

**ACTS**  
AND  
**RESOLVES**  
PASSED BY THE  
**General Court of Massachusetts**  
IN THE YEAR  
**1987**

---

PUBLISHED BY  
**Michael Joseph Connolly**  
SECRETARY OF STATE

---



State Library of Massachusetts  
State House, Boston

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

**1987**

---

**VOLUME 1**

---





---

**ACTS, 1987. - Chaps. 1, 2, 3.**

**Chapter 1.      AN ACT PROVIDING FOR THE ANNUAL OBSERVANCE OF HOMELESS AWARENESS WEEK.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately designate the last week in February as Homeless Awareness Week, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in general court assembled and by the authority of the same as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 15BBB, inserted by section 1 of chapter 99 of the acts of 1986, the following section:-

Section 15CCC. The governor shall annually issue a proclamation setting apart the last week in February as Homeless Awareness Week and recommending that said week be observed in an appropriate manner by the people.

Approved February 25, 1987.

---

**Chapter 2.      AN ACT RELATIVE TO THE TERM OF OFFICE OF MEMBERS OF THE STATE COMMITTEE.**

Be it enacted, etc., as follows:

The first paragraph of section 1 of chapter 52 of the General Laws, as most recently amended by section 4 of chapter 695 of the acts of 1986, is hereby further amended by striking out the third and fourth sentences and inserting in place thereof the following two sentences:- Members of said committee elected at the presidential primaries from senatorial districts shall hold office for a period of four years from the thirtieth day next following their election; provided that members of said committee elected in nineteen hundred and seventy-six shall hold office for a period beginning May fifteenth, nineteen hundred and seventy-six and ending on the thirtieth day following the day on which presidential primaries are next held. 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.

Approved February 25, 1987.

---

**Chapter 3.      AN ACT PROVIDING FOR THE ABATEMENT OF TAXES ON CERTAIN PROPERTY DESTROYED BY A**

---

ACTS, 1987. - Chaps. 4, 5.

**FIRE IN THE CITY OF FALL RIVER ON JANUARY  
TWELFTH, NINETEEN HUNDRED AND EIGHTY-SEVEN.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of sections two A and thirty-eight of chapter fifty-nine of the General Laws, the board of assessors of the city of Fall River may for the fiscal year beginning July first, nineteen hundred and eighty-seven determine the valuation of property destroyed by the fire of January twelfth, nineteen hundred and eighty-seven, immediately subsequent to said fire for the purposes of granting abatements applied for under section fifty-nine of said chapter fifty-nine.

The commissioner of revenue is hereby authorized to reimburse said city of Fall River for any abatements granted pursuant to the provisions of this section from funds appropriated therefore.

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

Approved March 16, 1987.

---

**Chapter 4. AN ACT RELATIVE TO THE ALLEVIATION OF THE  
FINANCIAL BURDEN IMPOSED ON THE CITY OF  
FALL RIVER BY A FIRE ON JANUARY TWELFTH,  
NINETEEN HUNDRED AND EIGHTY-SEVEN.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 2 of chapter 206 of the acts of 1986 is hereby amended by inserting after item 3722-9102 the following item:-

Item

3722-9103	For a grant to provide disaster relief to meet the expense of restoring and providing police, fire, public works and other public services destroyed by the fire of January twelfth, nineteen hundred and eighty-seven in the city of Fall River; provided, however, that the mayor of said city shall allocate the funds; and provided further that this appropriation shall expire June thirtieth, nineteen hundred and eighty-eight	\$950,000
-----------	--	-----------

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

Approved March 16, 1987.

---

**Chapter 5. AN ACT PROVIDING FOR CERTAIN PLANNING ASSIS-  
TANCE TO THE CITY OF FALL RIVER.**

---

**ACTS, 1987. - Chaps. 6, 7.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 2 of chapter 206 of the acts of 1986 is hereby amended by inserting after item 3722-9109 the following item:-

Item

3722-9110 For a grant for planning activities in the city of Fall River in connection with the recovery from the fire of January twelfth, nineteen hundred and eighty-seven, said funds to be allocated by the mayor of said city, as he deems necessary; provided, however, that such appropriation shall expire on June thirtieth, nineteen hundred and eighty-eight \$400,000

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

Approved March 16, 1987.

---

**Chapter 6. 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 meetings of the planning board had been published and posted as required by law.

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

Approved March 26, 1987.

---

**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 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

---

**ACTS, 1987. – Chap. 8.**

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 Peter Rutherford, as he is a justice of the district court in the commonwealth of Massachusetts, in the town of Belchertown on March twenty-ninth, nineteen hundred and eighty-seven between Judy E. Clarke of the town of Belchertown and Archer D. Battista of said town of Belchertown, and the state secretary shall issue to said Peter Rutherford in his capacity as aforesaid a certificate of such authorization.

Approved March 26, 1987.

---

**Chapter 8.      AN ACT RELATIVE TO THE APPROPRIATION OF FUNDS BY THE TOWN OF HINGHAM TO CONSTRUCT WATER MAINS IN SAID TOWN AND TO PROVIDE FOR THE APPORTIONMENT OF THE COST THEREOF.**

Be it enacted, etc., as follows:

**SECTION 1.** The town of Hingham at any town meeting may vote to authorize the board of selectmen of said town to utilize betterment assessments to finance the installation of water mains and necessary equipment, including lateral water mains and fire hydrants, to serve public ways in the town that are in existence as of the effective date of this act, as certified by the town clerk, that are not served by water mains.

The board of selectmen shall adopt an order that any owner of land which receives benefit from the laying of water pipes in said ways upon which his land abuts or which by more remote means receives benefit through the availability of a supply of water to his land or buildings shall pay a proportionate part of the cost not already assessed of extending such water supply to his land. The amount to be charged against each parcel of land receiving such benefit shall include the cost of the pipes, equipment and material and of labor and other expenses incidental thereto and shall be ascertained, assessed and certified by the board of selectmen. The board of selectmen shall within six months after the completion of the improvement, or at such earlier time as it shall choose, determine the value of such benefit or advantage to the land within such area and assess upon each parcel thereof a proportionate share of the cost of such improvement.

The assessment shall be made upon the parcels of land receiving benefit from the laying of the water mains by a fixed uniform rate based upon the cost of the water pipes laid and the laying thereof, according to the frontage of such land on any way in which a water pipe is laid or according to the area of such land within a fixed depth from such a way or according to valuation for purposes of taxation in the last annual assessment or according to two or all of such measures.

The board of selectmen shall, in its order of assessment, designate as

---

**ACTS, 1987. - Chap. 8.**

the owner of each parcel the person who was liable to assessment therefor on the preceding January first under the provisions of chapter fifty-nine of the General Laws. The order shall also contain a description sufficiently accurate for identification of the area which shall receive benefit or advantage, other than the general advantage to the community, from such improvement, and shall specify the ways in or along which such water pipes are to be laid and shall describe such land as does not abut upon any such way which is to be assessed for such improvement, and shall refer to a plan of such area, and shall contain a statement of the betterments that shall be assessed upon each parcel of land within such area; and such order and plan shall be recorded, within ninety days from the adoption of the order, in the registry of deeds. Payment of assessments shall be made on an annual or semi-annual basis, or some combination thereof, and the total number of payments for each parcel of land assessed shall not exceed forty payable over a period not to exceed twenty years, all as specified in said order. No betterments shall be assessed for such improvement unless the order and plan are recorded as herein provided, nor upon any parcel of land not within such area, nor for a greater amount than as stated in the order.

**SECTION 2.** Subsequent to the town meeting vote, and prior to the recording of any order of assessment, the board of selectmen shall enter into an agreement, upon such terms as the board of selectmen shall determine, with the Hingham Water Company, its successor or other company or entity to supply water to the areas to which service is to be extended under this act, including, as determined by the board of selectmen and as agreed upon, provision for the ownership of mains, other pipes and facilities, the installation of which was financed under the provisions of this act, and the repair, maintenance and replacement of same.

**SECTION 3.** No assessment shall be levied in excess of the benefit to the land from the laying of the water pipes for which the assessment is levied. If any assessment is found to exceed such benefit, it shall be abated as provided for in this act.

**SECTION 4.** The owner of any real estate upon which betterments have been assessed may, within thirty days after the first notice of such assessment has been sent by the collector of taxes, file with the board of assessors for an abatement thereof, and the board of assessors shall grant such abatement as may be necessary to make such assessment conform to this act. There shall be no right of appeal from a betterment assessment, or other remedy, except as specified in this section with respect to the first notice of such assessment. Such application may be filed with the clerk or secretary of the board of assessors or delivered by mail or otherwise at their office. The board of assessors shall within ten days after their decision upon the application give written notice thereof to the applicant by mailing notice to the address which appears upon the application for abatement. If an assessment is abated by the board of assessors, the assessment as so determined shall stand as the assessment

---

**ACTS, 1987. – Chap. 8.**

upon the land. If the assessment is abated, the person by whom it was paid shall be reimbursed the amount of the abatement allowed.

**SECTION 5.** A person who is aggrieved by the refusal of the board of assessors to abate an assessment in whole or in part may, within thirty days after the board of assessors has sent notice of its decision to the address appearing on the application for abatement, appeal therefrom by filing a petition for the abatement of such assessment in the superior court department of the trial court for Plymouth county.

**SECTION 6.** If a person who is entitled to file an application under section four or a petition under section five dies within the time limited for filing such application or petition without the same having been filed, his executor, administrator, heir or devisee may, within one year after his interest vests, file such application or petition in the same manner and with the same effect as if filed by the deceased in his lifetime.

**SECTION 7.** Upon the filing of a petition under section five process shall issue and service shall be made upon the board of selectmen and the board of assessors. Any defense to the petition not relating to the amount of the assessment shall be served within thirty days of the date of receipt of the summons, but no answer relating solely to the amount of the assessment need be served or filed and there shall be no default for failure to enter an appearance. The trial shall be by the court. Interrogatories may be filed and served in the same manner and with the same effect as in civil actions. No party shall be entitled to further discovery, except by leave of the court. The court, at the request of any party, shall advance the petition so that it may be heard and determined with as little delay as possible. In cases where petitions have been filed for the abatement of betterments with respect to the same parcel of land and the same improvement, the petitions may be tried together. If the assessment is abated, judgment shall be entered for the petitioner for the amount of the reduction. There shall be post-judgment interest only at the rate of six per cent per annum from the date of entry judgment. No party shall be entitled to costs or attorney's fees. Except as otherwise provided in this act, proceedings shall be conducted as are civil cases in the superior court department of the trial court.

**SECTION 8.** A person who is aggrieved by the refusal of the board of assessors to abate an assessment may, instead of pursuing the remedy provided by section five, appeal within the time limited therein to the county commissioners of Plymouth county. The person so appealing shall, within ten days after the filing of said appeal, give written notice thereof to the board of selectmen and the board of assessors by providing each a copy of the appeal filed with the county commissioners. Such notice shall be given by delivery in hand or by registered mail, postage prepaid. Within thirty days of the date of receipt of such notice, the board of selectmen or the board of assessors may file a petition in the superior court department of the trial court for Plymouth county

---

**ACTS, 1987. – Chap. 8.**

together with a copy of the appeal filed with the county commissioners. Upon the filing of said petition the appeal to the county commissioners shall be deemed dismissed and said superior court shall have jurisdiction to determine the appeal as provided for in section seven. The board of selectmen and the board of assessors shall file an answer to said appeal as provided for in section seven. The county commissioners shall hear the parties and shall have the same powers and duties with respect to the abatement of such assessment as the board of assessors. The decision of the county commissioners shall be final.

**SECTION 9.** No application, petition or appeal for abatement, as provided for in sections four, five and eight, may be considered or acted upon except where each payment of the betterment assessment due has been paid in full within thirty days of the date notice of the amount due was sent.

**SECTION 10.** If the board of assessors with which an application for the abatement of an assessment has been duly filed in accordance with the provisions of section four fails to act upon said application within three months of the date of the filing of such application, the application shall be deemed to be denied, and the applicant shall have the right within thirty days after the expiration of said three months to appeal as if the board of assessors had in fact denied said application.

**SECTION 11.** Within a reasonable time after making the assessment the board of selectmen shall certify to the board of assessors the list of assessments, who shall forthwith commit such assessments with their warrant to the collector of taxes, who shall forthwith send notice in accordance with, except as to the date of notice, section three of chapter sixty of the General Laws to the person designated in the order of assessment as the owner of each parcel assessed and demand for the payment of such assessment shall be made upon such person. Except as otherwise herein provided, the collector of taxes shall have the same powers and be subject to the same duties with respect to such assessments as in the case of the annual taxes upon real estate, and the law in regard to the collection of such annual taxes, to the sale of land for the nonpayment thereof and to redemption therefrom shall apply to assessments made under this act, so far as the same are applicable; but the owner of land assessed shall not be personally liable for the assessment thereon. The collector of taxes shall collect the assessments and hold them in a separate interest bearing account to be utilized as authorized by this act.

**SECTION 12.** Assessments made under this act shall constitute a lien upon the land assessed. The lien shall take effect upon the recording of the order described in section one.

**SECTION 13.** The board of selectmen making the order for the assessment of any betterment shall, upon the application of the owner of

---

**ACTS, 1987. – Chap. 8.**

the real property assessed, if such owner is eligible for an exemption under clause forty-first A of section five of chapter fifty-nine of the General Laws, enter into a deferral and recovery agreement with such owner on behalf of the town. Any such application shall be filed with said board of selectmen within six months after notice of such assessment has been sent by the collector of taxes. Such application may be filed with the clerk or secretary of said board of selectmen or delivered by mail or otherwise at their office.

Said agreement shall provide:

(1) that no sale or transfer of such real property may be consummated unless the betterment assessment which would otherwise have been collected on such real property has been paid together with interest thereon at the rate of twelve per cent per annum;

(2) that upon the demise of the owner of such real property, the heirs-at-law, assignees or devisees shall have first priority to said real property by paying in full the total betterment assessment which would otherwise have been due, plus interest; provided, however, that if such heir-at-law, assignee or devisee is a surviving spouse who enters into a betterment assessment deferral and recovery agreement under this section, payment of the betterment assessment and interest due shall not be required during the life of such surviving spouse;

(3) that if the betterment assessments due, plus interest, are not paid by the heir-at-law, assignee or devisee or if payment is not postponed during the life of a surviving spouse, such betterment assessments and interest shall be recovered from the estate of the owner; and

(4) that any joint owner or mortgagee holding a mortgage on such property has given written prior approval for such agreement, which written approval shall be made a part of such agreement.

In the case of each betterment assessment deferral and recovery agreement entered into between said board of selectmen and the owner or owners of such real property, said board of selectmen shall forthwith cause to be recorded in the registry of deeds in Plymouth county a statement of their action, which shall constitute a lien upon the land covered by such agreement for such betterment assessment as has been assessed under the provisions of this act, plus interest as provided in this section. The statement shall name the owner or owners and shall include a description of the land. Unless such a statement is recorded the lien shall not be effective with respect to a bona fide purchaser or other transferee without actual knowledge of such lien. The filing fee for such statement shall be paid by the town and shall be added to and become a part of the assessment due.

**SECTION 14.** The board of selectmen making the order for the assessment of any betterment upon land which is not built upon shall extend the time for payment of the assessment until the land assessed is built upon or for a fixed time; but interest at the rate of twelve per cent per annum shall be paid annually upon the assessment and the assessment shall be paid within three months after such land is built upon or at the expiration of such fixed time.



---

**ACTS, 1987. – Chap. 9.**

**SECTION 15.** If land which is subject to a lien for an assessment made under this act is subsequently divided by sale, partition or otherwise and such division has been duly recorded in the registry of deeds accompanied by a plan sufficient for the identification of the division of the whole estate, including the names and addresses of the different owners thereof, the board of assessors may, or upon the written request of the owner of a portion thereof, shall, divide said assessment or the amount thereof remaining unpaid, and the costs and interest accrued thereon, among the several parcels into which said land has been divided, assessing upon each parcel the part of the original assessment remaining unpaid proportionate to the special benefit received by such parcel from the improvement. After such assessment has been so divided, only the part of the assessment, interest and costs assessed upon each parcel shall constitute a lien upon such parcel. At least seven days prior to making such division the board of assessors shall send by registered mail to all owners of any interest in the land assessed, whose addresses are known to them, a notice of their intention to make such division, unless such notice has been waived. A person aggrieved by any action of the board of assessors, under the provisions of this section, shall have the same remedy as a person aggrieved by the refusal of the board of assessors to abate an assessment.

**SECTION 16.** If an assessment is for any reason invalid and has not been paid in full, it may be reassessed by the board of selectmen in the amount for which the original assessment ought to have been made, at any time before the expiration of two years from the date of the original assessment, if the land has in the meantime been alienated; otherwise at any time before the alienation thereof. Such assessment shall be a lien upon any sum paid on account of the original assessment, and to the extent that it is not thereby satisfied shall be a lien upon the land as provided for in this act. It shall be collected in the same manner as an original assessment and shall in all other respects be subject to this act.

**SECTION 17.** This act shall take effect upon its passage.

Approved March 31, 1987.

---

**Chapter 9.      AN ACT MAKING A CERTAIN CORRECTIVE CHANGE  
                    IN A CERTAIN GENERAL LAW.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately restore to the state ethics commission jurisdiction which was inadvertently changed by chapter five hundred and fifty-seven of the acts of nineteen hundred and eighty-six, 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, 1987. - Chaps. 10, 11.**

**SECTION 1.** Section 3 of chapter 268B of the General Laws, as most recently amended by section 194 of chapter 557 of the acts of 1986, 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 2.** This act 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, except for violations of section twenty-three of chapter two hundred and sixty-eight A of the General Laws. With respect to violations of said section twenty-three, this act shall apply to any such violation occurring on or after April eighth, nineteen hundred and eighty-six.

Approved March 31, 1987.

---

**Chapter 10.      AN ACT AUTHORIZING THE TOWN OF FRAMINGHAM  
TO APPOINT NON-RESIDENT ASSESSORS.**

Be it enacted, etc., as follows:

The town of Framingham is hereby authorized to appoint as assessor in said town persons who are not residents of said town.

Approved March 31, 1987.

---

**Chapter 11.      AN ACT MAKING APPROPRIATIONS TO FUND  
CERTAIN COLLECTIVE BARGAINING COSTS AND  
SALARY ADJUSTMENTS FOR CERTAIN COURT  
PERSONNEL.**

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, Local RI-219-Unit 3, by the memorandum of understanding between the commonwealth and the Massachusetts Nurses Association-Unit 7 for certain class reallocations, by the collective bargaining agreement between the board of regents of higher education and the University Staff Association/MTA/NEA at the University of Massachusetts at Amherst, and by the collective bargaining agreement between the board of regents of higher education and AFSCME/AFL-CIO, SEIU/AFL-CIO, and IBEW/AFL-CIO, and to provide for the cost of certain salary

---

ACTS, 1987. - Chap. 11.

adjustments and other employee economic benefits authorized by chapter five hundred and nineteen of the acts of nineteen hundred and eighty-six and by chapter five hundred and twenty of the acts of nineteen hundred and eighty-six, 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.

JUDICIARY.  
Trial Court.

Item

- 0330-0701 For a reserve to meet the fiscal year nineteen hundred and eighty-six and nineteen hundred and eighty-seven costs of certain salary adjustments and other employee economic benefits authorized by chapter five hundred and nineteen of the acts of nineteen hundred and eighty-six; provided, however, that the chief administrative justice of the trial court 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 the secretary of administration and finance 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 as authorized herein without prior approval of the house and senate committees on ways and means \$2,550,020
- 0330-0702 For a reserve to meet the fiscal year nineteen hundred and eighty-six and nineteen hundred and eighty-seven costs of certain salary adjustments and other employee economic benefits authorized by chapter five hundred and twenty of the acts of nineteen hundred and eighty-six; provided, however, that the chief administrative justice of the trial court is hereby authorized to transfer from the sum appropriated herein to other items of

---

**ACTS, 1987. - Chap. 11.**

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 the secretary of administration and finance 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 as authorized herein without prior approval of the house and senate committees on ways and means \$2,486,752

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.**  
**Collective Bargaining.**

- 1105-3606 For the purpose of meeting the commonwealth's obligations pursuant to the provisions of articles nineteen, twenty-three and twenty-five A of the collective bargaining agreement between the commonwealth and the National Association of Government Employees, Local RI-219-Unit 3 \$55,000
- 1599-3606 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, Local RI-219-Unit 3, 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 as authorized herein without prior approval of the house and senate committees on ways and means

\$2,394,000

1599-3607 For a reserve to meet the cost of salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the board of regents of higher education and the University Staff Association/MTA/NEA at the University of Massachusetts at Amherst; provided, however, 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 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 costs of said adjustments and benefits; and, provided further, that no transfers shall be made as authorized herein without prior approval of the house and senate committees on ways and means

\$1,028,728

1599-3608 For

a reserve to meet the cost of salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the board of regents of higher education and AFSCME/AFL-CIO, SEIU/AFL-CIO, and IBEW/AFL-CIO; provided, however, 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 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 as authorized herein without prior approval of the house and senate committees on ways and means

\$4,874,926

1599-3610 For

a reserve to meet the cost of certain salary adjustments and other employee economic benefits authorized by the supplemental

---

**ACTS, 1987. - Chap. 11.**

agreement between the commonwealth and the Massachusetts Nurses Association-Unit 7 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 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 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 said 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 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 as authorized herein without prior approval of the house and senate committees on ways and means

\$540,000

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

Approved April 1, 1987.

---

**ACTS, 1987. - Chaps. 12, 13.**

**Chapter 12.     AN ACT AUTHORIZING THE TOWN OF BREWSTER TO  
CONVEY CERTAIN LAND IN SAID TOWN TO ESTELLE  
GILLESPIE AND SOPHIA CAMPBELL.**

Be it enacted, etc., as follows:

**SECTION 1.** The town of Brewster acting by and through its board of selectmen, is hereby authorized to convey to Estelle Gillespie and Sophia Campbell, a certain parcel of land acquired for water purposes shown as Lot 6 on a plan filed in the Barnstable county registry of deeds, in Plan Book 360, Page 31.

**SECTION 2.** In consideration of the conveyance authorized by section one of this act, Estelle Gillespie and Sophia Campbell shall convey to said town a certain parcel of land containing eighty-seven thousand eight hundred square feet of land, more or less, and being shown as Lot 3 on a plan entitled "Subdivision Plan of Land in Brewster, Massachusetts, prepared for Estelle Gillespie, dated August 25, 1986, scale: 1" = 100' Nickerson & Berger, Inc. R.L.S. & P.E. Orleans, Massachusetts.

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

Approved April 7, 1987.

---

**Chapter 13.     AN ACT AUTHORIZING THE TOWN OF TOWNSEND TO  
BORROW MONEY FOR WATER IMPROVEMENT  
PURPOSES.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of chapter three hundred and ninety-one of the acts of nineteen hundred and twenty or any general or special law to the contrary, the town of Townsend is hereby authorized for the purpose of the extension and looping of water mains in said town to appropriate and expend an amount not to exceed one million three hundred thirty-four thousand and eight hundred dollars.

**SECTION 2.** For the purpose authorized in section one the town treasurer of the town of Townsend, with the approval of the board of selectmen of said town, may borrow upon the credit of the town such sums as may be necessary, not exceeding, in the aggregate, one million three hundred thirty-four thousand and eight hundred dollars and may issue bonds and notes of the town therefor, which shall bear on their face the words, Town of Townsend Water Improvement Loan, Act of 1987. The indebtedness incurred under the provisions of this act shall be deemed to be outside the debt limit as defined in section ten of chapter forty-four of the General Laws. The bonds or notes shall be signed by said town treasurer and a majority of said board of selectmen. Said town



---

**ACTS, 1987. - Chap. 14.**

may sell such securities at a public or private sale, upon such terms and conditions as said board of selectmen may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter forty of the General Laws.

Approved April 7, 1987.

---

**Chapter 14. AN ACT MAKING APPROPRIATIONS TO FUND CERTAIN COLLECTIVE BARGAINING COSTS, INCLUDING THE AGREEMENT BETWEEN THE COMMONWEALTH AND THE MASSACHUSETTS ORGANIZATION OF STATE ENGINEERS AND SCIENTISTS - UNIT 9, AND THE AGREEMENT BETWEEN THE COMMONWEALTH AND THE METROPOLITAN POLICE PATROLMEN'S UNION - UNIT 5B.**

Be it enacted, etc., as follows:

**SECTION 1.** To provide for certain collective bargaining costs, including the cost of salary adjustments and other employee benefits authorized by the collective bargaining agreement between the commonwealth and the Massachusetts Organization of State Engineers and Scientists - Unit 9, and by the collective bargaining agreement between the commonwealth and the Metropolitan Police Patrolmen's Union - Unit 5B, 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, the sums so appropriated to be in addition to any amounts available for the purpose.

**SECTION 2.**

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.**

Collective Bargaining.

Item

1105-2000 For the purposes of the commonwealth's contributions for the fiscal years nineteen hundred and eighty-six and 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	<b>\$179,000</b>
---	------------------

---

ACTS, 1987. - Chap. 14.

- 1105-3611 For the purpose of meeting the commonwealth's obligations pursuant to the provisions of articles thirteen C and nineteen of the collective bargaining agreement between the commonwealth and the Massachusetts Organization of State Engineers and Scientists - Unit 9 \$172,000
- 1105-3612 For the purpose of meeting the commonwealth's obligations pursuant to the provisions of article eighteen of the collective bargaining agreement between the commonwealth and the Metropolitan Police Patrolmen's Union - Unit 5B \$27,000
- 1599-3611 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 Massachusetts Organization of State Engineers and Scientists - Unit 9, 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 otherwise would 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 otherwise would 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

---

ACTS, 1987. - Chap. 14.

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 from this item; and provided, further, that no transfers shall be made as authorized herein without the prior approval of the house and senate committees on ways and means

\$5,260,000

1599-3612 For

a reserve to meet the fiscal year nineteen hundred and eighty-seven and prior year's cost of salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the commonwealth and the Metropolitan Police Patrolmen's Union - Unit 5B, 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 otherwise would 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 otherwise would 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

---

**ACTS, 1987. – Chap. 15.**

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 from this item; and provided, further, that no transfers shall be made as authorized herein without the prior approval of the house and senate committees on ways and means \$3,972,000

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

Approved April 8, 1987.

---

**Chapter 15. AN ACT FURTHER REGULATING CERTAIN CONSUMER PRODUCTS PRICING PRACTICES.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate certain pricing practices, 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 one of chapter six hundred and thirty-four of the acts of nineteen hundred and eighty-six is hereby repealed.

**SECTION 2.** Section 115A of chapter 6 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in lines 1, 11 and 22, the word "council" and inserting in place thereof, in each instance, the words:- director of standards.

**SECTION 3.** Section 181 of chapter 94 of the General Laws is hereby amended by inserting after the word eighty-four E, inserted by section 2 of chapter 634 of the acts of 1986, the words:- , except section one hundred and eighty-four A.

**SECTION 4.** Said chapter 94 is hereby further amended by striking out sections 184B to 184E, inserted by section 3 of said chapter 634, and inserting in place thereof the following four sections:-

Section 184B. For purposes of this section and sections one hundred and eighty-four C to one hundred and eighty-four E, inclusive, the following words shall have the following meanings:-

"Automatic checkout system", a cash register, computer, terminal, or other device capable of interpreting the universal product code, or any

---

**ACTS, 1987. – Chap. 15.**

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 foregoing provisions for establishing the correct price are 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 fifty units, not including units 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, that 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", 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 any time 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 any 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, however, that such price is not the result of a keypunching error by the cashier or inspector.

"Unit", a single piece of an item, such as one can, package, bag, or multipack.

Section 184C. Except as hereinafter provided, 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 of this section; 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 hereinafter provided and that a clear and conspicuous separate sign, or a single sign in the case of similar items all priced 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) unpackaged: 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 price marked;

(6) snack foods such as cakes, gum, candy, chips, and nuts if offered for sale individually, weigh less than three ounces, cost seventy-five cents or less, and are located at the checkout area;

(7) individual greeting cards; provided, however, 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, however, 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, however, 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, provided, further, 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 one hundred and eighty-four D. 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 eighty-four C, food stores or food departments 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; provided, however, that they are coded and subject to the following limitations and qualifications and those in section one hundred and eighty-four C:

(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 operable 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 so 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 price 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 the provisions of section one hundred and eighty-four C and this section. Such list may be maintained in any reasonable manner, including by an automatic checkout system or merged with nonexempt items; provided, however, 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 displays. 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 of the provisions of section one hundred and eighty-four B to one hundred and eighty-four E, inclusive, for which fines shall be levied shall 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 and 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, 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, however, 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. 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 and sections one hundred and eighty-four B to one hundred and eighty-four D, inclusive; provided, however, 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 the provisions of this section and sections one hundred and eighty-four B to one hundred and eighty-four D, inclusive.

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 provisions of this section and sections one hundred and eighty-four B to one hundred and eighty-four D, inclusive, all the store's exemptions 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 said sections 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 lowest price marked on the unit, and for unmarked units, the price on any sign or unit price label; or (b) 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 fifty 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, that the seller shall have no obligation to sell such unit at the lowest represented price if it is the result of a gross error, if it is based on the price marked on another unit of the same item and the tendered unit is marked only with

---

**ACTS, 1987. – Chap. 16.**

a higher price, 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 and sections one hundred and eighty-four B to one hundred and eighty-four D, inclusive, shall only apply to food stores and to grocery items in food departments. Said sections 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 this section and said sections one hundred and eighty-four B to one hundred and eighty-four D, inclusive, and section fifty-six D of chapter ninety-eight for the same violation. Where a seller is also subject to the item 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 said sections or any regulations issued hereunder by the director of standards shall not be a defense to a violation of said section or any regulations promulgated hereunder.

The director of standards may promulgate regulations or issue guidelines for the implementation or interpretation of said sections.

Failure to comply with any of the provisions of said sections shall constitute a violation and an unfair or deceptive act or practice under the provisions of chapter ninety-three A.

**SECTION 5.** Section 56D of chapter 98 of the General Laws, as amended by section 4 of said chapter 634, is hereby further amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

For the purposes of this section, an automated retail check out system shall mean 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 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.

**SECTION 6.** This act shall take effect as of March twenty-third, nineteen hundred and eighty-seven.

Approved April 14, 1987.

---

**Chapter 16. AN ACT INCREASING THE MEMBERSHIP OF THE BOARD OF SELECTMEN OF THE TOWN OF SANDWICH.**

Be it enacted, etc., as follows:

---

**ACTS, 1987. – Chaps. 17, 18, 19.**

**SECTION 1.** The board of selectmen of the town of Sandwich shall consist of five members. In the election for the board of selectmen to be held in the town of Sandwich in the year nineteen hundred and eighty-seven two persons shall be elected for terms of three years and one person shall be elected for a term of two years. Persons elected thereafter shall be elected for terms of three years or for such other term as said town shall establish by by-law.

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

Approved April 14, 1987.

---

**Chapter 17.     AN ACT REQUIRING TOWN MEETING APPROVAL OF  
ANY AMENDMENT TO THE LAND BANK ACT OF  
DUKES COUNTY.**

Be it enacted, etc., as follows:

Section 15 of chapter 736 of the acts of 1985 is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

The land bank commission shall submit no amendment of this act to the general court unless and until such amendment has been approved by two-thirds of the member towns by the affirmative vote of a majority of the voters at a town meeting.

Approved April 14, 1987.

EMERGENCY LETTER: April 14, 1987 @ 4:49 P.M.

---

**Chapter 18.     AN ACT PROVIDING COMPENSATION FOR THE  
POSITION OF ASSISTANT VICE CHAIRMAN OF THE  
SENATE COMMITTEE ON WAYS AND MEANS.**

Be it enacted, etc., as follows:

Section 9 of chapter 3 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "oversight", in line 23, the words:- , the assistant vice chairman of the senate committee on ways and means.

Approved April 14, 1987.

---

**Chapter 19.     AN ACT VALIDATING THE ACTS AND PROCEEDINGS  
OF THE SPECIAL TOWN MEETING OF THE TOWN OF  
DUNSTABLE.**

---

**ACTS, 1987. - Chap. 20.**

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, all acts and proceedings of the town of Dunstable at its special town meeting held on June sixteenth, 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 special town meeting had been published and posted as required by law.

Approved April 14, 1987.

---

**Chapter 20.      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 facilitate immediately 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-six, 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 section seventy-seven of chapter two hundred and six of the acts of nineteen hundred and eighty-six providing funds for the acquisition of certain equipment shall be issued for terms not to exceed seven years; provided, however, that all such bonds shall be payable not later than June thirtieth, nineteen hundred and ninety-eight, and the notes which the state treasurer is authorized to issue under section seventy-nine of said act for the purposes of section two C 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 February fourth, nineteen hundred and eighty-seven 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 three hundred and forty-nine of the acts of nineteen hundred and eighty-six 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 shall be issued for terms not to exceed twenty-five years; provided, however, that all such bonds

---

**ACTS, 1987. – Chap. 21.**

shall be payable by June thirtieth, two thousand and eleven, 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-six, as recommended by the governor in a message to the general court dated February fourth, nineteen hundred and eighty-seven 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 section six of chapter four hundred and ninety-one of the acts of nineteen hundred and eighty-six providing for the further regulation of public employee self-insurance groups 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 seventeen, 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 maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and ninety-seven, as recommended by the governor in a message to the general court dated February fourth, nineteen hundred and eighty-seven 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 sections eleven and twelve of chapter six hundred and fifty-eight of the acts of nineteen hundred and eighty-six providing for the 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 sixteen, and the notes which the state treasurer is authorized to issue under section thirteen 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 February fourth, nineteen hundred and eighty-seven in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

Approved April 15, 1987.

---

**Chapter 21.     AN ACT AUTHORIZING THE TOWN OF BRAINTREE  
                  TO LEASE CERTAIN LAND IN SAID TOWN.**

Be it enacted, etc., as follows:

---

**ACTS, 1987. – Chap. 22.**

**SECTION 1.** Chapter 466 of the acts of 1985 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

**Section 1.** The town of Braintree acting through its board of selectmen is hereby authorized to lease to SEMASS Partnership, a Massachusetts limited partnership, having a place of business in the town of Rochester, for a period of time not to exceed thirty years, for the purpose of operating a waste transfer station and purposes incidental thereto, a certain parcel of land presently being used for refuse disposal located off Ivory street and generally bounded and described as follows:

Beginning at a point of curvature on the easterly sideline of Ivory Street; thence running northerly along a curve to the right of radius 960.00 feet along said sideline of Ivory Street for a distance of 452.44 feet to a point; thence continuing N01-24-53W along said easterly sideline of Ivory Street for a distance of 240.00 feet to a point; thence turning to the right and running S87-00-00E for a distance of 100.00 feet to a point; thence turning to the left and running N03-00-00E for a distance of 339.07 feet to a point; thence turning to the right and running S87-00-00E for a distance of 73.59 feet to a point; thence turning to the right and running S03-30-00E for a distance of 56.97 feet to a point; thence turning to the left and running N15-00-00E for a distance of 11.23 feet to a point; thence turning to the right and running N89-00-00E for a distance of 50.00 feet to a point; thence turning to the right and running S04-00-00W for a distance of 410.00 feet to a point; thence running S40-00-00E for a distance of 480.00 feet to a point; thence running S00-26-22W for a distance of 238.93 feet to a point on the northerly boundary line of property owned by Weymouth Art Leather Company; thence turning to the right and running N83-53-03W along said northerly property line for a distance of 398.00 feet to a point on the said easterly sideline of Ivory Street; thence turning to the right and running N28-25-02W along said easterly sideline of Ivory Street for a distance of 17.94 feet, more or less, to the point of beginning, containing 6.8 acres, more or less.

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

Approved April 21, 1987.

---

**Chapter 22.      AN ACT RELATIVE TO THE APPOINTMENT OF THE  
CHIEF OF POLICE IN THE TOWN OF BRAINTREE.**

Be it enacted, etc., as follows:

**SECTION 1.** The office of the chief of police in the town of Braintree 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

---

**ACTS, 1987. – Chaps. 23, 24.**

service status of any person holding the office of chief of police in the town of Braintree on the effective date of this act.

**SECTION 3.** Notwithstanding the provisions of sections ninety-seven and ninety-seven A of chapter forty-one of the General Laws, upon the occurrence of a vacancy in the office of chief of police in the town of Braintree after the effective date of this act, the board of selectmen of the town of Braintree shall be empowered to fill such vacancy and all future vacancies by appointment of a police chief under a contract for a term not to exceed five years.

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

Approved April 21, 1987.

---

**Chapter 23. AN ACT AUTHORIZING THE REPLACEMENT AND RELOCATION OF A SEWER MAIN IN THE UPPER FALLS PLAYGROUND IN THE CITY OF NEWTON BY SAID CITY.**

Be it enacted, etc., as follows:

**SECTION 1.** The city of Newton is hereby authorized to replace, relocate and then continue to maintain the existing main drain and common sewer together with all necessary manholes, conduits, pipes and appurtenances, which are located in the tract of open space and recreational land in the city of Newton known as the Upper Falls playground, and which is owned by said city. Said replacement and relocation, which includes the excavation of a trench and the construction and installation of main drains, common sewers, and all necessary manholes, conduits, pipes and appurtenances, shall conform to a plan entitled "Construction of Wastewater Facilities, Contract No. 4, City of Newton, Massachusetts, South Side Interceptor, Cross Country, STA 8 + 63 to STA 17 + 03" dated October, 1985 by Coffin and Richardson, Inc. on file in the office of the city engineer; provided, however, that said city shall restore the area affected by such construction to its prior open space and recreational condition and use.

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

Approved April 21, 1987.

---

**Chapter 24. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF PLYMOUTH AS THE FREDERICK B. DOUGLASS MEMORIAL BRIDGE.**

Be it enacted, etc., as follows:

---

**ACTS, 1987. - Chaps. 25, 26.**

The bridge on Bourndale road over state highway Route 25 in the town of Plymouth shall be designated and known as the Sergeant Major Frederick B. Douglass Memorial bridge, in memory of Frederick B. Douglass who was killed in the year nineteen hundred and eighty-four while serving in the United States Marine Corps assigned to the United States Embassy in the country of Lebanon. A suitable marker bearing such designation shall be attached thereto by the department of public works in compliance with the standards of said department.

Approved April 21, 1987.

---

**Chapter 25.     AN ACT AUTHORIZING THE CITY OF WORCESTER TO PARTIALLY RELEASE A CONSERVATION RESTRICTION IN THE PARSONS HILL SUBDIVISION.**

Be it enacted, etc., as follows:

The city of Worcester is hereby authorized to release, in part, the conservation restrictions contained in a Deed of Conservation Restrictions dated May 17, 1979, from Parsons Hill Associates to the city of Worcester, recorded in the Worcester district registry of deeds in the county of Worcester in Book 6907, Page 223, for the limited purpose of allowing the construction by Parsons Hill Development Corp., or its successors and assigns, of an access road from Goddard Memorial drive to Ledgecrest drive in said city, in accordance with a plan prepared by Richard C. Downes and dated June, 1986, and filed with the planning board of the city of Worcester.

Approved April 21, 1987.

---

**Chapter 26.     AN ACT AUTHORIZING THE DEPARTMENT OF VETERANS' SERVICES TO PAY A CERTAIN SUM OF MONEY TO THE TOWN OF CHATHAM FOR CERTAIN VETERANS' BENEFITS PAID BY SAID TOWN.**

Be it enacted, etc., as follows:

There shall be allowed and paid out of the state treasury to the town of Chatham, subject to the appropriation and subject to the approval of the commissioner of veterans' services, a sum not exceeding forty-one thousand twenty-four dollars and ninety-four cents, as said town would have been entitled to receive in reimbursement for veterans' benefits paid by it from January first through December thirty-first, nineteen hundred and eighty-two, 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



---

**ACTS, 1987. - Chaps. 27, 28.**

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 April 21, 1987.

---

**Chapter 27.      AN ACT AUTHORIZING THE CITY OF FALL RIVER TO  
CONVEY CERTAIN PARK LAND.**

Be it enacted, etc., as follows:

The city of Fall River is hereby authorized to sell and convey under such terms and conditions as it deems proper two parcels of park land bounded and described as follows:

Parcel A: Beginning at a point in the southerly line of Pine Street, said point being 75.60 feet west of the southwesterly intersection of said Pine Street and Robeson Street; thence running southerly from said Pine Street 133.83 feet to the point of beginning said point being the northeast corner of the lot to be described; thence running southerly from said point 90.0 feet for a corner; thence running westerly 370.92 feet for a corner; thence running northerly 90.0 feet for a corner; said corner being approximately 134.0 feet south of the southerly line of Pine Street; thence running easterly 371.0 feet more or less to the point of beginning. Containing 33,386 square feet of land, more or less.

Parcel B: Beginning at a point in the southerly line of Pine Street said point being 95 feet westerly from the southwesterly corner of Pine Street and Robeson Street; thence running southerly one hundred thirty-three and 83/100 (133.83) feet for a corner; thence easterly nineteen (19) feet for a corner; thence northerly one hundred thirty-three and 83/100 (133.83) feet to Pine Street for a corner; thence westerly in the southerly line of Pine Street nineteen (19) feet to the point of beginning. Containing 2,543 square feet of land, more or less.

Both parcels being a portion of the premises purchase by the city of Fall River from Lydia Ruggles on April twenty-ninth, eighteen hundred and sixty-eight, and recorded in the Fall River district registry of deeds in the county of Bristol in Book 63 on pages 233 and 234 of the copied records.

Approved April 21, 1987.

---

**Chapter 28.      AN ACT PROVIDING FOR THE APPOINTMENT OF THE  
CLERK AND THE TREASURER OF THE DENNIS  
WATER DISTRICT IN THE TOWN OF DENNIS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 9 of chapter 277 of the acts of 1945 is hereby

---

**ACTS, 1987. - Chaps. 29, 30.**

amended by striking out the fourth sentence, as amended by section 1 of chapter 504 of the acts of 1965, and inserting in place thereof the following sentence:- The water commissioners shall appoint a clerk and a treasurer of the district, each for a term of three years.

**SECTION 2.** Upon the qualification and appointment of a clerk pursuant to the authority contained in section one of this act, the elected incumbent of the office of clerk shall cease to exercise the powers and duties of said office. Upon the qualification and appointment of a treasurer pursuant to the authority contained in said section one, the elected incumbent of the office of treasurer shall cease to exercise the powers and duties of said office.

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

Approved April 23, 1987.

---

**Chapter 29.     AN ACT RELATIVE TO THE 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, as amended by section 1 of chapter 127 of the acts of 1986, and inserting in 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 said 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.** This act shall take effect upon its passage.

Approved April 24, 1987.

---

**Chapter 30.     AN ACT DESIGNATING A CERTAIN BRIDGE IN THE CITY KNOWN AS THE TOWN OF METHUEN AS THE REPRESENTATIVE NICHOLAS J. BUGLIONE BRIDGE.**

Be it enacted, etc., as follows:

The bridge connecting state highway Route 213 and state highway

---

**ACTS, 1987. – Chaps. 31, 32.**

Route 113, assigned department of public works bridge number M-17-38, in the city known as the town of Methuen shall be designated and known as the Representative Nicholas J. Buglione bridge, in honor of Representative Nicholas J. Buglione, who was instrumental in bringing about the construction of said bridge and who faithfully served the people of said city for eighteen years in the capacity of state representative. Suitable markers bearing such designation shall be attached thereto by the department of public works in compliance with the standards of said department.

Approved April 24, 1987.

---

**Chapter 31. AN ACT AUTHORIZING THE TOWN OF SUNDERLAND TO HOLD TOWN MEETINGS IN THE TOWN OF DEERFIELD.**

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the town of Sunderland may hold its annual and special town meetings and any adjournments thereof in the years nineteen hundred and eighty-seven and nineteen hundred and eighty-eight at the Frontier regional high school in the town of Deerfield.

Approved April 24, 1987.

EMERGENCY LETTER: May 5, 1987 @ 4:36 P.M.

---

**Chapter 32. AN ACT PROVIDING FOR MAPPING COMMISSIONS IN CITIES AND TOWNS.**

Be it enacted, etc., as follows:

Chapter 40 of the General Laws is hereby amended by inserting after section 8J the following section:–

Section 8K. A city by ordinance or a town by by-law may establish a mapping commission for the purpose of developing or coordinating the development of comprehensive maps of the municipality, including, but not limited to, parcel boundaries, location of utility lines, pipelines, and other structures, land use or items of geographic or geological interest.

A mapping commission shall: (1) develop and administer programs relating to such mapping of the community; (2) advise, assist and cooperate with state, regional and federal agencies in developing appropriate programs and policies relating to such mapping; (3) with the approval of the city or town, apply for, receive, expend, represent and act on behalf of the city or town in connection with federal grants, grant programs or reimbursements or private grants; (4) accept gifts, grants, bequests and devises from any source, whether public or private, for the purpose of assisting the authority in the discharge of its duties; (5) seek

---

ACTS, 1987. – Chap. 33.

to coordinate the activities of governmental and private bodies organized for similar purposes. Said commission shall seek to coordinate all mapping efforts in a city or town in order that duplicative efforts be minimized. A mapping commission may offer for sale any products of its efforts, including maps, reports or other materials.

The commission shall consist of not less than three nor more than seven members. In cities the members shall be appointed by the mayor, subject to the provisions of the city charter, except that in cities having or operating under a Plan D or Plan E form of city charter, said appointments shall be by the city manager, subject to the provisions of the charter; and in towns the members shall be appointed by the board of selectmen, except that in towns having a manager form of government appointments shall be made by the town manager, subject to the approval of the board of selectmen.

Approved April 24, 1987.

---

**Chapter 33.      AN ACT ESTABLISHING THE DEERFIELD AREA FIRE  
PROTECTION DISTRICT IN THE TOWN OF DEERFIELD.**

Be it enacted, etc., as follows:

**SECTION 1.** The inhabitants of the town of Deerfield, liable to taxation in said town and residing within the area enclosed by the following boundaries, to wit:

Beginning at a point in the center of the Deerfield river, said point being a town corner of Deerfield, a town corner of Conway and on the town line of Shelburne; thence easterly, northerly, easterly and northerly to a point on the Greenfield town line, the last four courses being along the Deerfield and Shelburne town line; thence easterly and southeasterly along the Deerfield and Greenfield town line to Sheldon brook; thence easterly along said Sheldon brook to the center of the Deerfield river, the said Sheldon brook being the Deerfield and Greenfield town line; thence easterly and northerly along the center of the Deerfield river to the center of the Connecticut river, the said Deerfield river being the Deerfield and Greenfield town line and the center of the Deerfield river where it meets the center of the Connecticut river being a Greenfield, Montague and Deerfield town corner, thence southerly along the center of the Connecticut river to a point in the center of said river, northerly of "Whitmore Ferry", the center of the Connecticut river being the Deerfield and Montague town line, the said point in the center of the river being on an extension easterly of the northerly property line of land now or formerly of J.A. and J.A. Crowley; thence westerly to the northeast corner of said Crowley; thence westerly along the northerly boundary line of said Crowley to the northeast corner of land now or formerly of Selivanoff, et al; thence westerly along said Selivanoff to River road; thence westerly across said River road to the northeast corner of land now or formerly of George and June Katsar; thence

continuing westerly along said Katsar to the northeast corner of. land now or formerly of F.B. Giebel; thence westerly along said Giebel to Pine Nook road; thence westerly across said Pine Nook road to the southeast corner of land now or formerly of the Estate of Marion Davenport; thence westerly along said Davenport to land now or formerly of F.S. Yazwinski; thence southerly on said Yazwinski to land now or formerly of C. and O. Perwak; thence westerly on said Perwak to land now or formerly of F. and H. Grybko; thence southerly on said Grybko to land now or formerly of Meadow Brook Farms; thence westerly along said Meadow Brook Farms to the Boston and Maine Railroad; thence continuing across said Railroad to the northeast corner of land now or formerly of Michael Morawski; thence westerly along said Morawski to Route #5 and #10; thence northwesterly across said Route #5 and #10 to the northeast corner of land now or formerly of F.R. Redmond et ux; thence westerly along said Redmond to land now or formerly of the Penn. Central Co.; thence continuing westerly across said Penn. Central Co. to the northeast corner of land now or formerly of Mill Village, Inc.; thence westerly along said Mill Village, Inc. to other land now or formerly of Mill Village, Inc.; thence southerly on said other land of Mill Village, Inc. to a corner; thence westerly on said other land of said Mill Village, Inc. and H. Jr. and M. Marsh to Mill Village road thence northerly along the easterly sideline of said Mill Village road to a point where the northerly sideline of Lee road extended easterly would intersect the easterly sideline of said Mill Village road; thence westerly across said Mill Village road to a point, said point being in the westerly sideline of said Mill Village road and the northerly sideline of said Lee road; thence westerly along the northerly sideline of said Lee road to the easterly sideline of Interstate Route #91; thence continuing westerly across said Interstate Route #91 to a point; said point being in the northerly sideline of said Lee road, the easterly sideline of Sand Gully road and the westerly sideline of said Interstate Route #91, thence northerly along the westerly sideline of said Interstate Route #91 to land now or formerly of Meadow Brook Farms; thence northwesterly, westerly and southwesterly along said Meadow Brook Farms to land now or formerly of the Deerfield Fire District; thence continuing southwesterly along said Deerfield Fire District to a point in the northerly sideline of said Sand Gully road; thence northwesterly along the northerly sideline of said Sand Gully road to the southwest corner of land now or formerly of Walter Melnick; thence easterly and northerly along said Melnick to the southeast corner of land now or formerly of W. and O. Lewis; thence continuing northerly along said Lewis to other land of said Melnick; thence continuing northerly along said Melnick to other land of the Deerfield Fire District; thence westerly along said Deerfield Fire District to the northeast corner of land now or formerly of Robert and Patricia Crafts; thence southerly and westerly along said Crafts to Stillwater road; thence continuing westerly across said Stillwater road to a point in the westerly sideline of said Stillwater road; thence southerly along the westerly sideline of said Stillwater road to land now or formerly of New England Power Co.; thence northwesterly along said

New England Power Co. to a point, said point being an extension easterly of the northerly property line of land now or formerly of E.R. and N.N. Farrick; thence westerly across said New England Power Co. to land now or formerly of L.F. and E.A. Kozikowski; thence continuing westerly across said Kozikowski to the northeast corner of said E.R. and N.N. Farrick; thence westerly along said Farrick to the northeast corner of land now or formerly of G.W. Penny; thence westerly along said Penny and the Conway and Deerfield town line; thence northerly along the Conway and Deerfield town line to the center of the Deerfield river; thence northwesterly along the center of said river to the Conway and Deerfield town line to the point of beginning.

Excepting that portion of said Interstate Route #91 being north of said Lee road, and extending northerly to the Greenfield and Deerfield town line shall constitute a fire protection district and are hereby made a body corporate by the name of the Deerfield Area Fire Protection District, hereinafter called the District, for the purpose of supplying themselves with fire fighting equipment and apparatus, and facilities for the extinguishment of fires, with power to establish fire ponds and hydrants in areas not served by municipal or district water supply, and to relocate and discontinue the same, and for the purpose of assessing and raising taxes and fees as provided herein for the payment of such services and for defraying the necessary expenses of carrying on the business of the District, subject to all General Laws now or hereafter in force relating to such districts, except as otherwise provided herein. The District through its prudential committee shall have power to prosecute and defend all actions relating to its property and affairs.

**SECTION 2.** For the purpose aforesaid, the District, acting by and through its prudential committee, hereinafter provided for, may contract with any municipality, or with any water district, for whatever water may be required, authority to furnish the same being hereby granted; and it may also contract with any municipality, or any fire district for fire protection or for ambulance service.

**SECTION 3.** For the purpose of paying the necessary expenses and liabilities incurred under this act, other than expenses of maintenance and operation, the District may, in addition to any other authority to borrow under the General Laws, borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, the debt limit authorized by section ten of chapter forty-four of the General Laws but not more than one hundred thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Deerfield Area Fire Protection District Loan, Act of 1987. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than ten years or the maximum statutory term provided from their dates, whichever is shorter. Indebtedness incurred under this act shall be subject to the provisions of said chapter forty-four pertaining to such districts.

**SECTION 4.** The District shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with section three; and when a vote to that effect has been passed, a sum which shall be sufficient to pay the annual interest as it accrues on the bonds or notes issued as aforesaid by the District, and to make such payments on the principal as may be required under this act, shall without further vote be assessed upon the District by the assessors of said town of Deerfield annually thereafter until the debt incurred by said loan or loans is extinguished.

**SECTION 5.** Whenever a tax is duly voted by the District for the purposes of this act, the clerk shall send a certified copy of the vote to the assessors of said town, who shall assess the same on property within the District in the same manner in all respects in which town taxes are required by law to be assessed; provided, that no estate shall be subject to any tax assessed on account of the extinguishment of fires under this act if, in the judgment of the prudential committee hereinafter provided for, after a hearing, due notice whereof shall have been given, such estate is so situated that it will receive no aid in the extinguishment of fire; but all other estates in the District shall be deemed to be benefited and shall be subject to such tax. A certified list of the estates exempt from taxation under the provisions of this section shall annually be sent by said committee to said assessors, at the same time at which the clerk shall send a certified copy of the vote as aforesaid. The assessment shall be committed to the town collector, who shall collect said tax in the manner provided by law for the collection of town taxes, and shall deposit the proceeds thereof with the district treasurer for the use and benefit of the District. The District may collect interest on overdue taxes in the manner in which interest is authorized to be collected on town taxes.

**SECTION 6.** Any meeting of the voters of the territory included within the boundaries set forth in section one to be held prior to the acceptance and approval of this act, and any meeting of the voters of the District to be held prior to the qualification of a majority of the prudential committee, shall be called, on petition of ten or more legal voters therein, by a warrant from the selectmen of said town, or from a constable, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of the warrant in two or more public places in the District fourteen days at least before the time of the meeting. Such constable or one of the selectmen shall preside at such organizational meeting only. At any meeting held hereunder prior to the acceptance and approval of this act, the question of the acceptance of this act shall be submitted to the voters, and if it is accepted by a majority of the voters present and voting thereon, it shall thereupon take effect, and the meeting may then proceed to act on the other articles in the warrant. After the qualification of a majority of the said committee, meetings of the District shall be called by warrant under

their hands, unless some other method be provided by by-law or vote of the District.

**SECTION 7.** The District shall, after the acceptance of this act as aforesaid, elect by ballot, either at the same meeting at which this act shall have been accepted, or thereafter at an annual meeting or at a special meeting called for the purpose, three persons, inhabitants of and voters in said District, to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year, from the day of the next succeeding annual district meeting, to constitute a prudential committee; and at every annual district meeting following such next succeeding annual district meeting one such committeeman shall be elected by ballot for the term of three years. The date of the next annual meeting shall be fixed by by-law or by vote of the prudential committee, but in no event shall it be later than fifteen months subsequent to the date on which the said committee was first elected. All the authority granted to the District by this act, except sections three and four, and not otherwise specifically provided for, shall be vested in said committee who shall be subject, however, to such instructions, rules and regulations as the District may by vote impose. At the meeting at which said committee are first elected and at each annual district meeting held thereafter, the District shall elect by ballot, each for a term of one year, a clerk and a treasurer of the District. The treasurer shall give bond to the District in such an amount as may be approved by said committee and with a surety company authorized to transact business in the commonwealth as surety. A majority of said committee shall constitute a quorum for the transaction of business. Any vacancy occurring in said committee from any cause may be filled for the remainder of the unexpired term by the District at any legal meeting called for the purpose. No money shall be drawn from the treasury of the District except upon a written order of said committee or a majority of them, consistent with appropriations voted at annual or special district meetings.

**SECTION 8.** Said committee shall annually, and as often as the District may require, render a report upon the condition of the work under their charge, and an account of their doings, including an account of receipts and expenditures.

**SECTION 9.** The District may adopt by-laws, prescribing by whom and whom meetings of the District may be called, notified, and conducted; and, upon the application of ten or more legal voters in the District, meetings may also be called by warrant as provided in section six. The District may also establish rules and regulations for the management of the District, not inconsistent with this act or with any other provision of law, and may choose such other officials not provided for in this act as it may deem necessary or proper. Such by-laws may be amended from time to time but only by two-thirds vote at a duly convened meeting of the District called for such purpose.



---

**ACTS, 1987. – Chap. 34.**

**SECTION 10.** The District shall have all the rights of fire districts contained in chapter forty-eight of the General Laws not inconsistent with this act.

**SECTION 11.** This act shall take full effect upon its acceptance by a majority vote of the voters of the territory included within the District by section one present and voting thereon, by the use of a check list, at a district meeting called, in accordance with section six, within four years after its passage.

**SECTION 12.** Upon acceptance as provided in section twelve, if such acceptance occurs prior to July first, nineteen hundred and eighty-seven, the prudential committee is authorized to certify, to the assessors of the town of Deerfield, the existence of the District and to authorize assessment of taxes upon property owners within the District, not otherwise exempt, as of January first, nineteen hundred and eighty-seven, for the fiscal year commencing July first, nineteen hundred and eighty-seven and ending June thirtieth, nineteen hundred and eighty-eight and to include such assessment on bills sent to tax payers by the said town and its tax collector as required by law.

Approved April 24, 1987.

EMERGENCY LETTER: April 24, 1987 @ 3:02 P.M.

---

**Chapter 34. AN ACT PROVIDING FOR RESIDENCY REQUIREMENTS FOR CORPORATORS, TRUSTEES AND DIRECTORS OF CERTAIN BANKS.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for residency requirements for corporators, trustees and directors of certain 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.** Paragraph 6 of the second paragraph of section 34B of chapter 168 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the third paragraph the following paragraph:-

If the merging or consolidating corporations or thrift institutions are chartered by or, in the case of federal savings and loan associations or federal mutual savings banks, have their main offices located in and are authorized to do business in different states, then from and after the effective date of the merger or consolidation, the citizenship and residency requirements for corporators and trustees set forth in sections nine and ten shall no longer apply, and any citizen of the United States may serve as corporator or trustee of the continuing corporation.

---

**ACTS, 1987. – Chap. 35.**

**SECTION 2.** Section 34D of said chapter 168, as so appearing, is hereby amended by inserting after the second paragraph the following paragraph:–

If the merging or consolidating stock corporations are chartered by or, in the case of federally chartered stock corporations, have their main offices located in and are authorized to do business in different states, then from and after the effective date of the merger or consolidation, the citizenship and residency requirements for directors set forth in section thirteen of chapter one hundred and seventy-two shall no longer apply, and any citizen of the United States may serve as a director of the continuing corporation.

**SECTION 3.** Clause (4) of subsection A of section 36 of chapter 172 of the General Laws, as so appearing, is hereby amended by inserting after the second paragraph the following paragraph:–

If the merging or consolidating corporations are chartered by or, in the case of federally chartered stock corporations, have their main offices located in and are authorized to do business in different states, then from and after the effective date of the merger or consolidation, the citizenship and residency requirements for directors set forth in section thirteen shall no longer apply, and any citizen of the United States may serve as director of the continuing corporation.

Approved April 27, 1987.

---

**Chapter 35. AN ACT AUTHORIZING THE TOWN OF WEST NEWBURY TO GRANT A CERTAIN EASEMENT OVER LAND UNDER THE CONTROL OF THE TOWN'S PARKS AND RECREATION COMMITTEE FOR THE CONSTRUCTION OF RECREATIONAL FACILITIES AND PARKING.**

Be it enacted, etc., as follows:

**SECTION 1.** The town of West Newbury is hereby authorized to grant an easement to the West Newbury Housing Authority for the construction and use of passive recreational facilities and parking consistent with the uses intended for a park, to be available to the residents of the elderly housing facilities, their guests, and other town residents, on the following described park and recreational land:

Beginning at the southeastern corner of Lot 6 on Map R14; southerly on land owned by the town 200 feet along land now or formerly owned by William Daley; northeasterly 250 feet; northerly 200 feet; and southwesterly 250 feet to the point of beginning.

The board of selectmen of said town is hereby authorized to revise the description of said land based upon a survey to be completed for the purpose of a more accurate and precise description.

---

**ACTS, 1987. – Chaps. 36, 37.**

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

Approved May 5, 1987.

---

**Chapter 36.     AN ACT AUTHORIZING THE TOWN OF WEST  
NEWBURY TO CONVEY CERTAIN LAND UNDER THE  
CONTROL OF THE PARKS AND RECREATION COM-  
MITTEE IN SAID TOWN FOR THE CONSTRUCTION OF  
FAMILY HOUSING.**

Be it enacted, etc., as follows:

**SECTION 1.** The town of West Newbury is hereby authorized to convey to the West Newbury Housing Authority for the construction of family housing a portion of a parcel of land located in the town of West Newbury under the control of the parks and recreation committee. Said land being bounded and described as follows:

Commencing at a point on the westerly side of Bachelor street at the northeastern corner of land now or formerly owned by Richard and Arlene Hirsh; southerly along Bachelor street 425 feet; westerly 90 degrees from Bachelor street then for a distance of 500 feet; northerly 425 feet; and easterly 500 feet to the point of beginning.

The board of selectmen of said town is hereby authorized to revise the description of said land based upon a survey to be completed for the purpose of a more accurate and precise description.

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

Approved May 5, 1987.

---

**Chapter 37.     AN ACT AUTHORIZING THE CITY OF PITTSFIELD TO  
USE A CERTAIN PARCEL OF LAND FOR HIGHWAY  
PURPOSES.**

Be it enacted, etc., as follows:

The city of Pittsfield is hereby authorized to use a certain parcel of park land for highway purposes. Said parcel of land is situated on the northerly side of Hancock road in said city and being a portion of Pontoosuc park. Said parcel of land is bounded and described as follows:

Beginning at a stone bound in the northerly line of Hancock Road, said stone bound being about three hundred sixteen (316) feet more or less westerly of the intersection of the northerly street line of Hancock Road and the westerly street line of North Street; said stone bound also marks the southeast corner of land of the County of Berkshire; thence the following six (6) courses in the existing northerly line of Hancock Road:

---

**ACTS, 1987. – Chap. 38.**

N67° 42' 30"W sixty-five and forty-three hundredths (65.43) feet to a stone bound; N65° 57' 40"W, five hundred eighty-nine and seventy-three hundredths (589.73) feet to a stone bound; N79° 58' 40"W one hundred sixty-five and fifty-six hundredths (165.56) feet to a stone bound; N71° 29' 40"W four hundred eighty-three and twenty-four hundredths (483.24) feet to a stone bound; N72° 01' 40"W one hundred sixty-one and seventy-two hundredths (161.72) feet to a stone bound; N72° 46' 21"W one hundred thirty-two and no hundredths (132.00) feet to a point; said point being the southeast corner of land now or formerly of Bertha C. Zelazo; thence running N07° 54' 20"E in the easterly property line of said Zelazo, a distance of eleven and seventy-eight hundredths (11.78) feet to a point; thence the following five (5) courses being the new northerly street line of Hancock Road: S71° 33' 26"E seven hundred sixteen and twenty-six hundredths (716.26) feet to a point; thence easterly on a curve to the left having a radius of six hundred seventy-five (675) feet, a distance of one hundred eleven and forty-nine hundredths (111.49) feet to a point; thence continuing easterly on a curve to the right having a radius of eight hundred fifteen and eighty-one hundredths (815.81) feet, a distance of two hundred six and fifteen hundredths (206.15) feet to a point; thence S66° 32' 34"E five hundred sixteen and forty-five hundredths (516.45) feet to a point; thence S51° 18' 30"E fifty-one and five hundredths (51.05) feet to the place of beginning containing 15,333 square feet of land, more or less.

Being the same parcel shown on a plan entitled "Plan of Land Taking For Road Improvement, Hancock Road dated November 9, 1984" on file in the office of the commissioner of public works being Land Taking Plan No. 1/85.

Approved May 5, 1987.

---

**Chapter 38.     AN ACT REGULATING THE OPERATION OF MOTOR VEHICLES ON APPROACH OF AN EMERGENCY VEHICLE.**

Be it enacted, etc., as follows:

Section 7A of chapter 89 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:- Upon the approach of any fire apparatus, police vehicle, ambulance or disaster vehicle which is going to a fire or responding to call, alarm or emergency situation, every person driving a vehicle on a way shall immediately drive said vehicle as far as possible toward the right-hand curb or side of said way and shall keep the same at a standstill until such fire apparatus, police vehicle, ambulance or disaster vehicle has passed.

Approved May 5, 1987.

---

**ACTS, 1987. - Chaps. 39, 40, 41, 42.**

**Chapter 39. AN ACT PROVIDING FOR AN AUDIBLE WARNING SIGNAL WHEN GASOLINE TRUCKS ARE IN REVERSE.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 7 of chapter 90 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the first paragraph the following paragraph:-

Every commercial motor vehicle, or trailer weighing, with its load, more than twelve thousand pounds, and used to deliver gasoline or other flammable material, shall be equipped with an audible warning system when the vehicle's transmission is in reverse.

**SECTION 2.** This act shall take effect on January first, nineteen hundred and ninety-one.

Approved May 5, 1987.

---

**Chapter 40. AN ACT RELATIVE TO COLLECTIVE BARGAINING AGREEMENTS FOR CERTAIN PUBLIC EMPLOYEES.**

Be it enacted, etc., as follows:

Paragraph (d) of section 7 of chapter 150E of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after clause (b) the following clause:-

(b 1/2) section seventeen I of chapter one hundred and eighty;.

Approved May 5, 1987.

---

**Chapter 41. AN ACT DESIGNATING MARTHA'S VINEYARD STATE FOREST AS THE MANUEL F. CORRELLUS STATE FOREST.**

Be it enacted, etc., as follows:

The state forest on Martha's Vineyard shall be designated and known as the Manuel F. Correllus State Forest. Suitable markers bearing said designation shall be erected thereat by the division of forest and parks.

Approved May 5, 1987.

---

**Chapter 42. AN ACT VALIDATING CERTAIN ACTIONS TAKEN BY THE MARTHA'S VINEYARD REGIONAL HIGH SCHOOL DISTRICT SCHOOL COMMITTEE.**

---

**ACTS, 1987. – Chaps. 43, 44.**

Be it enacted, etc., as follows:

**SECTION 1.** The Martha's Vineyard Regional High School District school committee is hereby authorized to enter into a lease with Martha's Vineyard Arena, Inc., a nonprofit corporation, for the rental of a parcel of land comprising 3.2 acres, more or less, in the town of Oak Bluffs for a term of twenty years.

**SECTION 2.** Said Martha's Vineyard Regional High School District school committee is hereby authorized to enter into a lease, for a term of ninety-nine years, with Martha's Vineyard Community Services, Inc. for rental of a parcel of land situated on the north side of the Vineyard Haven-Edgartown road in the town of Oak Bluffs and containing approximately three acres, more or less.

**SECTION 3.** Notwithstanding the provisions of any general or special law to the contrary, all actions taken by the Martha's Vineyard Regional High School District school committee relative to item 6 (a) of the minutes at its meeting held on July twenty-second, nineteen hundred and eighty-six and all actions subsequently taken pursuant thereto are hereby ratified, validated and confirmed as if sections one and two were in effect at the same time the meeting was held.

Approved May 5, 1987.

---

**Chapter 43. AN ACT LEGALIZING COHABITATION.**

Be it enacted, etc., as follows:

Chapter 272 of the General Laws is hereby amended by striking out section 16, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:-

Section 16. A man or woman, married or unmarried, who is guilty of open and gross lewdness and lascivious behavior, shall be punished by imprisonment in the state prison for not more than three years or in jail for not more than two years or by a fine of not more than three hundred dollars.

Approved May 5, 1987.

---

**Chapter 44. AN ACT RELATIVE TO AUTOMOBILE INSURANCE FRAUD.**

Be it enacted, etc., as follows:

**SECTION 1.** The first paragraph of section 113 0 of chapter 175 of the General Laws, as appearing in the 1984 Official Edition, is hereby

---

**ACTS, 1987. – Chap. 45.**

amended by striking out the last sentence and inserting in place thereof the following two sentences:– No payment shall be made by the insurer of loss or damage to the insured vehicle on a claim for theft coverage, so-called, until the insured received notice from the appropriate police authority that a statement in conformity with the provisions of section twenty-nine of chapter two hundred and sixty-six has been filed. No payment shall be made by the insurer of loss or damage to the insured vehicle on a claim for fire coverage, so-called, until the insured has filed a statement in conformity with the provisions of section twenty-nine B of said chapter two hundred and sixty-six and the insurer has, within a reasonable time, reviewed said statement with the appropriate fire authority and determined no fraud was involved.

**SECTION 2.** Chapter 266 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after section 29 the following section:–

Section 29B. Whenever a motor vehicle is burned, the owner of record of such vehicle shall submit to the appropriate fire department a statement signed under the penalties of perjury containing such information concerning the burning of such vehicle as the state fire marshal shall require.

Approved May 5, 1987.

---

**Chapter 45. AN ACT GRANTING THE CITY OF BOSTON  
AUTHORITY TO REGULATE CONDOMINIUM AND  
COOPERATIVE CONVERSIONS.**

Be it enacted, etc., as follows:

**SECTION 1.** The General Court finds and declares that the serious public emergency declared in chapter seven hundred and ninety-seven of the acts of nineteen hundred and sixty-nine continues to exist in the city of Boston with respect to the housing of a substantial number of the citizens of said city, which emergency has resulted in a substantial shortage of safe, decent, and reasonably priced rental housing accommodations in the city of Boston, particularly for those who are elderly, handicapped, or who have low or moderate annual incomes; and that such emergency has been particularly exacerbated because of deterioration and demolition of existing housing and an insufficiency supply of new housing, and due, further, to the conversion of rental housing units to other uses or forms of ownership, particularly conversion to condominiums or cooperatives and the resulting increases in rent, displacement of tenants or loss of rental housing stock; and, that unless the demolition of existing housing and the conversion of rental housing accommodations to other forms of use or ownership are further regulated and controlled, such emergency and the inflationary pressures resulting therefrom will produce serious threats to the public health,

safety and general welfare of the citizens of said city; and that such emergency should be met immediately and with due regard for the rights and responsibilities of said city of Boston; and, therefore, this act is declared to be in the public interest.

**SECTION 2.** Chapter 797 of the acts of 1969, as most recently amended by section 26 of chapter 843 of the acts of 1971, is hereby further amended by adding the following five paragraphs:–

(a) Notwithstanding the provisions of any general or special law to the contrary, including, without limitation, the provisions of chapter six hundred and sixty-five of the acts of nineteen hundred and fifty-six, and the provisions of General Law chapters one hundred and fifty-six B, one hundred and fifty-seven, and one hundred and eighty-three A, the city of Boston may, by ordinance, further regulate and control the removal of housing accommodations from rental housing use, the reduction in the total number of units in a housing accommodation, or the change in form of ownership of housing accommodations used for rental housing. Such regulations and controls may include, without limitation the authority to:

(i) require that no person shall remove a housing accommodation from rental housing use without first obtaining a permit for that purpose from the board. Such permit may be subject to such terms and conditions not inconsistent with the purposes and provisions of this act;

(ii) require that no person shall convert any housing accommodation to a condominium or cooperative without first obtaining a permit for that purpose from the board; and

(iii) regulate evictions relating to the conversion of housing accommodations to condominium or cooperative subject to such terms and conditions not inconsistent with the purposes and provisions of this act.

(b) The city of Boston, in any ordinance adopted pursuant to this act, shall be empowered to promulgate any rules, regulations or orders, not inconsistent with the purposes and provisions of this act, for the enforcement of this act, for the granting or denying of removal permits or for the regulation of such evictions.

(c) Any hearings, regarding matters related to removal permits or evictions shall be conducted by the board in accordance with the provisions of section eleven of chapter thirty A of the General Laws except that requirements (7) and (8) of such section eleven shall not apply to such hearings.

(d) All decisions of the board may be appealed to the district court department of the trial court for the judicial district within which the housing accommodation is located or the housing court department of the trial court, city of Boston division, within thirty calendar days after the notice of such decision.

(e) The superior court department of the trial court and the housing court department of the trial court, city of Boston division, shall severally have jurisdiction to enforce the provisions of this act, any ordinance adopted hereunder and any rules and regulations promulgated pursuant to such ordinance, and may restrain or enjoin violations of such ordinance.



---

**ACTS, 1987. – Chap. 46.**

**SECTION 3.** Chapter 652 of the acts of 1960 is hereby amended by inserting after section 14A, as inserted by chapter 488 of the acts of 1967, the following section:–

**Section 14B.** The conversion of the form of ownership from rental property to condominium or cooperative ownership, of one or more buildings or parts of buildings in a land assembly and redevelopment plan area or in an urban renewal project undertaken in the city of Boston, pursuant to chapter one hundred and twenty-one B of the General Laws, by the Charles River Park "B" Company at Whittier Place, Boston, shall be permitted to stand without the rescission of the sale of individual condominium units, notwithstanding that such conversion may be deemed a modification of the land assembly and redevelopment plan or the urban renewal plan for such project and was thereby required to receive the approval of the Boston Redevelopment Authority, which approval was not sought; provided, however, that the provisions of this section shall exclusively be applicable to a certain class of residents and their specifically listed units known as Isaac Lyumkis, et al, unit purchasers at said Whittier Place, Boston. Said class of residents and specific units listed on a document known as "Whittier Place Unit Purchasers", Exhibit "I", attached hereto and incorporated by reference. Any such conversion of ownership shall, however, be subject to all applicable provisions of law.

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

Approved May 6, 1987.

---

**Chapter 46. AN ACT AUTHORIZING THE TOWN OF SAUGUS TO CONVEY CERTAIN LAND.**

Be it enacted, etc., as follows:

The town of Saugus, acting through its board of selectmen, is hereby authorized to convey to State Street Bank and Trust Company, Trustee under Dewey E. Daggett Indenture of Trust dated November fourteenth, nineteen hundred and sixty-one, in consideration of and as part of the settlement of a civil action entitled State Street Bank and Trust Company, Trustee of the Dewey E. Daggett Trust v. Town of Saugus, Essex Superior Court C.A. No. 12671, pursuant to a settlement agreement dated June twenty-seventh, nineteen hundred and eighty-five between said Trustee and the board of selectmen, and in further consideration of one dollar as the minimum amount to be paid for such conveyance, all of the town's right, title and interest, if any, in and to the premises described in an Order of Taking adopted by the board of selectmen at a meeting on October fourth, nineteen hundred and seventy-six, recorded at the southern district registry of deeds in the county of Essex in Book 6288, Page 464, and referred to therein as being owned by Dewey E. Daggett or the heirs of Dewey Daggett, reserving to the town only a non-exclusive easement in favor of the town as

described in the Amendment to Order of Taking adopted by the board of selectmen at a meeting on June twenty-seven, nineteen hundred and eighty-five, incorrectly referred to in said Amendment as having been held on June twenty-eight, nineteen hundred and eighty-five, recorded at the southern district registry of deeds in the county of Essex in Book 7822, Page 366, and also authorizing, for and control of the town's right, title and interest in and to the premises to the board of selectmen from the playground commission or from the board of selectmen, as the case may be, and to authorize for purposes of such conveyance, a change in the purposes for which the town's right, title and interest in and to the premises is held from playground purposes to the purpose of disposition by conveyance as aforesaid, or take any other action thereon, the premises being described more particularly as follows:

Beginning at a stone bound at the northeasterly-most corner of Cliff Road and a distance of eighty-nine and ninety-seven hundredths feet (89.97') more or less from the common property corner of Town of Saugus Assessors lots A-135 and A-160 both owned by Dewey E. Daggett as shown on a plan hereinafter referred to;

THENCE, running northwesterly across said Cliff road a distance of twenty feet (20') more or less to a point at the northwesterly-most corner of Cliff Road and at the northeasterly-most corner of land of John J. and Mary E. Burns; thence turning and running northeasterly along the westerly sideline projection of Cliff Road across Town of Saugus Assessors lots A-22 and A-135 both being owned by Dewey E. Daggett a distance of one hundred and thirty-five feet (135') more or less to a point on the original outline of Prankers Pond taken from Town of Saugus Assessors Plan 1027;

THENCE, turning and running southeasterly along the original outline of Prankers Pond and property line of land of Dewey E. Daggett a distance of twenty-two feet (22') more or less to a point on the easterly sideline projection of Cliff Road;

THENCE, turning and running southwesterly along the easterly sideline projection of Cliff Roads by lands of Dewey E. Daggett a distance of one hundred thirty feet (130') more or less to the stone bound at the point of beginning.

Said parcel of land is shown on a plan titled "Plan of Land in Saugus, Mass. Showing a lot of land to be used as a Right of Way to Prankers Pond," Scale 1"=40' Dated January 27, 1976, N. Kahn, Engineer, recorded at the southern district registry of deeds in the county of Essex in Book 6288, Page 464 as Plan 369 of 1976.

Approved May 7, 1987.

---

**Chapter 47.     AN ACT AUTHORIZING CONVEYANCE OF CERTAIN  
RECREATIONAL LAND IN THE CITY OF SOMERVILLE.**

Be it enacted, etc., as follows:

---

**ACTS, 1987. - Chaps. 48, 49.**

**SECTION 1.** Notwithstanding the provisions of section fifteen A of chapter forty of the General Laws, or any other general or special law to the contrary, the city of Somerville is hereby authorized to sell and convey to the buyer and developer of the police station at 70 Union square, certain recreation and open space land on Sanborn court in said city to construct a parking lot in connection with the reuse of the police station.

Said land shall comprise approximately seven thousand one hundred and thirty square feet consisting of one parcel and part of another parcel both acquired by said city through land court proceedings as shown on a subdivision plan to be recorded at the southern district registry of deeds in Middlesex county.

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

Approved May 11, 1987.

---

**Chapter 48.     AN ACT AUTHORIZING THE CEMETERY COMMISSIONERS OF THE TOWN OF DEDHAM TO REFUND CERTAIN MONIES PAID FOR CEMETERY PURPOSES.**

Be it enacted, etc., as follows:

**SECTION 1.** The board of selectmen of the town of Dedham, acting in their capacity as cemetery commissioners, are hereby authorized to refund monies paid by any person for burial rights in the Brookdale cemetery in said town; provided, however, that such person or the heirs or assigns of the same, convey back to said town the burial rights so purchased.

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

Approved May 11, 1987.

---

**Chapter 49.     AN ACT RELATIVE TO THE REGULATION OF DOGS IN THE TOWN OF MASHPEE.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of section one hundred and fifty-seven of chapter one hundred and forty of the General Laws or any other general or special law to the contrary, the chief of police of the town of Mashpee or his designee shall carry out the powers and duties assigned to the board of selectmen with respect to dogs under the provisions of said section one hundred and fifty-seven of said chapter one hundred and forty.

---

**ACTS, 1987. – Chap. 50.**

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

Approved May 11, 1987.

---

**Chapter 50.     AN ACT AUTHORIZING THE TOWN OF WEST  
NEWBURY TO SELL AND CONVEY CERTAIN CON-  
SERVATION LAND LOCATED IN SAID TOWN.**

Be it enacted, etc., as follows:

**SECTION 1.** The town of West Newbury, acting by and through its conservation commission, is hereby authorized to sell and convey, for certain land and a sum of money to be negotiated by the board of selectmen, to be added to the conservation fund, a certain parcel of land presently owned by said town and managed and controlled by the West Newbury conservation commission for open space and conservation purposes, said parcel of land containing ten thousand four hundred and thirty-six square feet, more or less, and being a portion of the two and fifty-eight one hundredths acres, more or less, of conservation land shown on a plan entitled "Plan of Land in West Newbury, Mass., Essex county of Merrimac River Corporation showing revision of Lots 11 and 12 – Hilltop Circle, Scale: 1"=100', Nov. 1979", recorded with the Essex southern district registry of deeds in the county of Essex in book 6197, page 366, and being more particularly described as following:

Beginning at a point at the southwest corner of the parcel at the property of n/f James Bingham, thence proceeding on a bearing of N45-00-00W a distance of 180.51 ft to a point;

thence along a curve to the right having a radius of 25 ft. and a arc length of 41.60 ft to a point at Hilltop Circle;

thence along Hilltop Circle on a bearing of N50-20-21E a distance of 55.70 ft to a point;

thence along a curve to the left along remaining land of the Town of West Newbury having a radius of 30 ft and an arc length of 49.92 ft to a point;

thence along remaining land of the Town of West Newbury on a bearing of S45-00-00E a distance of 173.64 ft to a point at the land of n/f James Bingham;

thence along a stone wall on a bearing S48-45-52W a distance of 50.11 ft to the point of beginning.

**SECTION 2.** The purchaser shall be required to pay all costs and a deposit of five thousand dollars pending agreement of a final settlement.

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

Approved May 11, 1987.

---

**ACTS, 1987. - Chaps. 51, 52.**

**Chapter 51. AN ACT PROVIDING FOR A ZONING ENFORCEMENT OFFICER IN THE CITY KNOWN AS THE TOWN OF WATERTOWN.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, the city known as the town of Watertown is hereby authorized to appoint, by its town manager, a zoning enforcement officer who shall be the officer charged with enforcement of zoning ordinances for the purpose of application of the provisions of chapter forty A of the General Laws.

**SECTION 2.** The position of zoning enforcement officer shall be exempt from the provisions of chapter thirty-one of the General Laws.

**SECTION 3.** The city known as the town of Watertown is hereby authorized to enact general and zoning ordinances consistent with the terms of this act to provide for the employment and duties of the zoning enforcement officer.

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

Approved May 11, 1987.

---

**Chapter 52. AN ACT FURTHER REGULATING THE PROCEDURES FOR THE APPEARANCE OF CHILDREN IN CERTAIN CUSTODY PROCEEDINGS OUTSIDE THE COMMONWEALTH.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate the procedures for the appearance of children in certain custody proceedings outside 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 11 of chapter 209B of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following paragraph:-

Notwithstanding any provision of this chapter to the contrary, no child shall be ordered or compelled to appear or attend such proceeding in another state when, after a hearing a judge makes a finding that there is probable cause to believe that such child may be placed in jeopardy or exposed to risk of mental or physical harm by such return to said other state.

Approved May 11, 1987.

---

**ACTS, 1987. - Chaps. 53, 54.**

**Chapter 53. AN ACT PROVIDING FOR THE ABATEMENT OF TAXES ON CERTAIN PROPERTY DESTROYED OR DAMAGED IN THE CITY OF LOWELL ON MARCH TWENTY-THIRD THROUGH MARCH TWENTY-FIFTH, NINETEEN HUNDRED AND EIGHTY-SEVEN.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of sections two A and thirty-eight of chapter fifty-nine of the General Laws, the board of assessors of the city of Lowell may for the fiscal year beginning July first, nineteen hundred and eighty-seven determine the valuation of property destroyed or damaged by the fire of March twenty-third through March twenty-fifth, nineteen hundred and eighty-seven, immediately subsequent to said fire for the purposes of granting abatements applied for under section fifty-nine of said chapter fifty-nine.

The commissioner of revenue is hereby authorized to reimburse said city of Lowell for any abatements granted pursuant to the provisions of this section from funds appropriated therefore.

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

Approved May 11, 1987.

---

**Chapter 54. AN ACT PROVIDING FOR CERTAIN PLANNING ASSISTANCE TO THE CITY OF LOWELL.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 2 of chapter 206 of the acts of 1986 is hereby amended by inserting after item 3722-9110, inserted by section 1 of chapter 5 of the acts of 1987, the following item:-

<u>Item</u>	
3722-9111 For	a grant for planning activities in the city of Lowell in connection with the recovery from the fire of March twenty-third through March twenty-fifth, nineteen hundred and eighty-seven, said funds to be allocated by the city manager of said city, as he deems necessary to the city of Lowell department of planning and development; provided, however, that such appropriation shall expire on June thirtieth, nineteen hundred and eighty-eight
	\$400,000

---

**ACTS, 1987. – Chaps. 55, 56.**

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

Approved May 11, 1987.

---

**Chapter 55.     AN ACT PROVIDING FUNDS FOR RELOCATION  
ASSISTANCE FOR BUSINESSES AFFECTED BY THE  
FIRE IN THE CITY OF LOWELL.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 2 of chapter 206 of the acts of 1986 is hereby amended by inserting after item 3722-9201 the following item:-

Item

3722-9202 For a grant for the purpose of relocating approximately thirty-one businesses affected by the fire of March twenty-third through March twenty-fifth, nineteen hundred and eighty-seven in the city of Lowell, said funds to be allocated by the city manager; provided, however, that such appropriation shall expire on June thirtieth, nineteen hundred and eighty-eight \$250,000

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

Approved May 11, 1987.

---

**Chapter 56.     AN ACT RELATIVE TO THE ALLEVIATION OF THE  
FINANCIAL BURDEN IMPOSED ON THE CITY OF  
LOWELL BY A FIRE ON MARCH TWENTY-THIRD  
THROUGH TWENTY-FIFTH, NINETEEN HUNDRED  
AND EIGHTY-SEVEN.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 2 of chapter 206 of the acts of 1986 is hereby amended by inserting after item 3722-9103, inserted by section 1 of chapter 4 of the acts of 1987, the following item:-

Item

3722-9104 For a grant to provide disaster relief to meet the expense of restoring and providing police, fire, public works and other public services damaged or destroyed by the fire of March twenty-third through twenty-fifth, nineteen hundred and eighty-seven in the city of

---

**ACTS, 1987. - Chap. 57.**

Lowell; provided, however, that the sum appropriated herein shall be made available in increments but only upon approval by the secretary of administration and finance of certifications by the city of Lowell demonstrating that the expenditures conform with the purpose specified herein; provided, further, that the city manager of said city shall allocate the funds; and provided, further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-eight \$1,750,000

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

Approved May 11, 1987.

---

**Chapter 57.     AN ACT RELATIVE TO PROTECTING THE DRINKING WATER WELLS AND AQUIFERS OF THE IPSWICH RIVER WATERSHED.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately ensure the protection of the drinking water wells and aquifers of the Ipswich River watershed, 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.** Subject to the provisions of chapter three hundred and seventy-two of the acts of nineteen hundred and eighty-four and any other general or special laws, for the purpose of protecting the drinking water wells and aquifers of the Ipswich River watershed, the Massachusetts Water Resources Authority is hereby authorized to approve an extension of sewer service for the discharge of sanitary sewage from a parcel of land located in the towns of Wilmington and North Reading, and more particularly described as follows:

Beginning at a stake at the northwesterly corner thereof by a line running N 36° 53' 27" E 141.11 feet to a point; thence turning and running N 10° 4' 38" E 26.73 feet; thence turning and running S 9° 26' 20" E 6.48 feet; thence turning and running S 7° 36' 20" E 165.14 feet to a stake; thence turning and running N 82° 37' 37" E 634.57 feet to a rod; thence turning and running N 8° 7' 20" W 492.32 feet to a rod; thence turning and running N 80° 29' 22" E 464.39 feet to a stone bound; thence turning and running on a curved line 17° 28' 28" 223.03 feet to a stone bound; thence turning and running S 82° 2' 10" E 192.04 feet to a point; thence turning and running S 7° 57' 50" W 7.31 feet to a point; thence turning and running S 13° 57' 10" E 547.50 feet to a point; thence



---

**ACTS, 1987. – Chaps. 58, 59.**

turning and running S 80° 40' 59" E 130 feet to a point; thence turning and running S 23° 14' 10" E 620.94 feet to a pin; thence turning and running N 66° 43' 28" E 251.50 feet to a point; thence turning and running N 80° 20' 43" E 63.16 feet to pin; thence turning and running along a ditch as shown on the plan 145 feet to a point; thence turning and running S 15° 15' 20" E 310 feet more or less to the Ipswich River; thence turning and running along the Ipswich River to a point of intersection with Interstate Highway Route 93; thence turning and running 490 feet along Interstate Highway Route 93 to a point; thence turning and running S 67° 19' 30" E 44.33 feet to a point; thence turning and running N 7° 59' 10" W 1,203.81 feet to the point of beginning.

All of the above boundaries are as shown on a plan entitled "Plan of Land in North Reading, Mass. and Wilmington, Mass. owned by Drinkwater Realty Trust scale 200 feet to an inch – May 28, 1971 by Robert E. Anderson, Inc. Reg. Professional Engineers, Reg. Land Surveyors, 178 Park Street, North Reading, Mass." which plan is recorded with northern district registry of deeds in the county of Middlesex in Plan Book 122, Plan 140 and recorded with southern district registry of deeds in said county as Plan 765 of 1971 in Book 12035 End.

Said sewer service is to be provided through the sewer system of the town of Reading via an extension of its system from the most northerly manhole on Grove street in the town of Reading to the aforesaid parcel of land.

**SECTION 2.** No further connections to, or expansions of, the Massachusetts Water Resources Authority's sewer system in addition to those authorized in section one are authorized by this act.

Approved May 11, 1987.

---

**Chapter 58. AN ACT RELATIVE TO THE COMPENSATION OF CERTAIN ASSISTANT TOWN CLERKS.**

Be it enacted, etc., as follows:

Section 19 of chapter 41 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 11, the word "five" and inserting in place thereof the word:- one.

Approved May 11, 1987.

---

**Chapter 59. AN ACT RELATIVE TO THE MATURITIES OF MUNICIPAL PURPOSE LOANS ISSUED BY CITIES, TOWNS AND DISTRICTS.**

Be it enacted, etc., as follows:

---

**ACTS, 1987. – Chap. 60.**

Section 19 of chapter 44 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following paragraph:–

The limitations imposed by the first paragraph or by other applicable provision of law with respect to annual payments of bonds or notes shall apply to consolidated municipal purpose loans issued pursuant to the second paragraph of section sixteen; provided, however, that any separate portion of the consolidated issue need not comply with such limitations as long as each portion of the consolidated issue matures over a period not longer than that permitted by law for such portion; and provided further that the minimum principal payment in any one year for each purpose be equal to or greater than the principal payment required if the debt for each purpose was issued for the maximum allowable period for that purpose.

Approved May 11, 1987.

---

**Chapter 60.     AN ACT AUTHORIZING THE TOWN OF PALMER TO  
PAY A CERTAIN SUM OF MONEY TO ROBERT  
MURRAY.**

Be it enacted, etc., as follows:

**SECTION 1.** The town of Palmer is hereby authorized to appropriate and expend money from a certain council on aging grant for the payment of, and, after such appropriation the treasurer of said town is authorized to pay to Robert Murray the sum of four thousand five hundred and twelve dollars for the reconstruction work in the senior center, Memorial hall in said town during the fiscal year nineteen hundred and eighty-six 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 general or special law.

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

**SECTION 3.** Any person who knowingly files a certificate required by section two, which is false, and who thereby receives payment for services which were not rendered to said town shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

Approved May 11, 1987.

---

**ACTS, 1987. – Chaps. 61, 62, 63.**

**Chapter 61. AN ACT RELATIVE TO THE ISSUANCE OF A REAL ESTATE BROKERS LICENSE TO JAMES G. MULLEN OF THE TOWN OF MILTON.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary or any rule or regulation of the board of registration of real estate brokers and salesmen, James G. Mullen of the town of Milton, a legally blind person under the laws of the commonwealth, who inadvertently failed to renew his real estate brokers license, which license he had held from the inception of the licensing law for real estate brokers and salesmen, shall be reissued a license by said board, without examination, upon payment of the annual fee.

Approved May 11, 1987.

---

**Chapter 62. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE CITY OF SOMERVILLE AS THE ELMER BUMPUS MEMORIAL BRIDGE.**

Be it enacted, etc., as follows:

The bridge on Washington street at Lincoln park in the city of Somerville shall be designated and known as the Elmer Bumpus Memorial bridge in memory of Elmer Bumpus. Suitable markers bearing said designation shall be attached thereto by the department of public works in compliance with the standards of said department.

Approved May 11, 1987.

---

**Chapter 63. AN ACT FURTHER DEFINING THE DUTIES OF THE STATE AUDITOR'S DEPARTMENT RELATIVE TO THE ACCOUNTS AND ACTIVITIES OF CERTAIN VENDORS.**

Be it enacted, etc., as follows:

Section 12 of chapter 11 of the General Laws is hereby amended by striking out the tenth sentence, as appearing in the 1984 Official Edition, and inserting in place thereof the following sentence:- The department of the state auditor is hereby authorized to inspect, review or audit, in conformity with accepted auditing and accounting practices, the accounts, books, records and activities of vendors contracting, having contracted or agreeing to provide services or materials of any description, or any other thing of value pursuant to any and all contracts or agreements between the commonwealth, its departments, agencies, bureaus, boards, commissions, institutions or authorities and said vendors to the extent necessary to determine compliance by said vendors with

---

**ACTS, 1987. – Chaps. 64, 65.**

the provisions and requirements of such contracts or agreements and the laws of the commonwealth.

Approved May 11, 1987.

---

**Chapter 64. AN ACT EXEMPTING CERTAIN STUDENTS WITH LIMITED ENGLISH SPEAKING ABILITY FROM THE MASSACHUSETTS TESTING PROGRAM.**

Be it enacted, etc., as follows:

The fourth paragraph of section 50 of chapter 15 of the General Laws, as appearing in section 6 of chapter 188 of the acts of 1985, is hereby amended by adding the following sentence:- No student shall be tested who has been determined to be incapable of performing ordinary classwork in the English language on the basis of English language proficiency assessments conducted by the school district, unless the parents or guardians of such student have requested that the student be tested or such student has been enrolled for three years in a program in transitional bilingual education established pursuant to the provisions of chapter seventy-one A.

Approved May 11, 1987.

---

**Chapter 65. AN ACT AUTHORIZING THE TOWN OF HANOVER TO ESTABLISH A CERTAIN REVOLVING 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 Hanover 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 fees from private septage haulers. Said funds may be paid over to any city, town or sewerage district approved by the commonwealth under the provisions of section thirty-one D of chapter one hundred and eleven of the General Laws, and pursuant to a contract executed under the provisions of section four of chapter forty of the General Laws between such city, town or district and the town of Hanover. Said funds and interest thereon shall be expended for septage treatment without further appropriation under the direction of the board of health.

Approved May 11, 1987.

---

**ACTS, 1987. – Chaps. 66, 67, 68.**

**Chapter 66. AN ACT DIRECTING THE SUPERINTENDENT OF STATE OFFICE BUILDINGS TO FLY THE PRISONER OF WAR AND MISSING IN ACTION FLAG ON THE GROUNDS OF CERTAIN STATE BUILDINGS.**

Be it enacted, etc., as follows:

Chapter 28 of the acts of 1985 is hereby amended by striking out section 3, as amended by section 2 of chapter 99 of the acts of 1986, 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-eight.

Approved May 11, 1987.

---

**Chapter 67. AN ACT RELATIVE TO FLYING THE FLAG OF THE COMMONWEALTH AT HALF-STAFF ON STATE BUILDINGS AND INSTALLATIONS.**

Be it enacted, etc., as follows:

Section 6A of chapter 2 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after paragraph (e) the following two paragraphs:–

(e 1/2) On the death of a member of the general court, the flag of the commonwealth shall be flown at half-staff from the day of death until sunset of the day of interment at the aforementioned sites in the member's representative district on the death of a member of the house of representatives, and the member's senatorial district on the death of a member of the senate.

(e 3/4) On the death of a former member of the general court, the flag of the commonwealth shall be flown at half-staff from the day of death until sunset of the day of interment in accordance with such orders or instructions as may be issued by or at the direction of the governor after consultation with the speaker of the house of representatives on the death of a former representative in the general court, or with the president of the senate, on the death of a former state senator.

Approved May 11, 1987.

---

**Chapter 68. AN ACT FURTHER REGULATING THE USE OF PASSENGER RESTRAINTS ON CHILDREN IN CERTAIN MOTOR VEHICLES.**

Be it enacted, etc., as follows:

Section 7AA of chapter 90 of the General Laws, as appearing in the

---

**ACTS, 1987. - Chap. 69.**

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

No child five years old or less shall ride as a passenger in a motor vehicle on any way unless said child is wearing a safety belt which is properly adjusted and fastened or unless such child is properly fastened and secured by a child passenger restraint as defined in section one.

No child who is older than five years of age but not older than twelve years of age shall ride as a passenger in a motor vehicle on any way unless said child is wearing a safety belt which is properly adjusted and fastened.

Approved May 11, 1987.

---

**Chapter 69.      AN ACT FURTHER REGULATING MEDICAL MAL-  
PRACTICE INSURANCE PREMIUMS.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate medical malpractice insurance premiums 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:

Paragraph (4) of section 38 of chapter 351 of the acts of 1986 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Notwithstanding the provisions of paragraph (2), 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 be insured by said Joint Underwriting Association or who ceases to practice medicine in the commonwealth, unless such cessation of insurance coverage by said Joint Underwriting Association or of practice in the commonwealth 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 such insurance coverage or of practice for the amount of individual deferred premium liability which has accrued with respect to such policy; provided, however, that if such cessation of insurance coverage or 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).

Approved May 22, 1987.

**Chapter 70.     AN ACT RELOCATING CERTAIN HARBOR LINES IN  
THE FAIRHAVEN AND NEW BEDFORD HARBORS.**

Be it enacted, etc., as follows:

**SECTION 1.** The second paragraph of section 1 of chapter 80 of the acts of 1929 is hereby amended by striking out in lines 48 to 59, inclusive, the following words:- "seconds west, true bearing, one thousand seven hundred eighteen and nine tenths feet to point F in latitude six thousand four hundred forty-eight and forty-eight one hundredths feet north and longitude one thousand eight hundred one feet west, said point F being located north twenty-two degrees, six minutes, twenty-five seconds west, true bearing, thirty-three and fifty-four one hundredths feet from Mark 5 on the southerly side of the New Bedford and Fairhaven Bridge near the Fairhaven end; thence north forty-six degrees, sixteen minutes, forty-one seconds west, true bearing, three thousand four hundred six and thirty-seven one hundredths" and inserting in place thereof the words:- seconds west, true bearing, two hundred seventy-five feet to a point "E1", in latitude five thousand thirty-seven and one tenth feet north and longitude one thousand four hundred ninety-six and twenty-nine one hundredths feet west; thence south seventy-nine degrees, thirty-four minutes, fifteen seconds west, true bearing, two hundred seventy-five and thirteen one hundredths feet to point "E2" in latitude four thousand nine hundred eighty-seven and twenty-nine one hundredths feet north and longitude one thousand seven hundred sixty-six and eighty-eight one hundredths feet west; thence north twelve degrees, ten minutes, fifty-seven seconds west, true bearing, one thousand eight hundred forty-one and seventy-two one hundredths feet to point "F1" in latitude six thousand seven hundred eighty-seven and fifty-four one hundredths feet north and longitude two thousand one hundred fifty-five and fifty-three one hundredths feet west; thence north forty-six degrees, sixteen minutes, forty-one seconds west, true bearing, two thousand nine hundred fifteen and eight tenths.

**SECTION 2.** The metes and bounds inserted by section one being a relocation of the harbor line on the easterly side of the Acushnet River and Fairhaven and New Bedford Harbors between harbor line points "E" and "G" near the New Bedford – Fairhaven Bridge in the Fairhaven Harbor being shown on a plan dated January 16, 1987 drafted by Tibbetts Engineering Corp, 210 Deane Street, New Bedford, MA 02746, shall be filed with the division of waterways within the department of environmental quality engineering and with the town engineers of the town of Fairhaven.

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

Approved May 22, 1987.

**Chapter 71. AN ACT FURTHER REGULATING LEGISLATIVE AND CONSTITUTIONAL OFFICERS' COMPENSATION.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide a compensation schedule for the members of the general court and certain constitutional officers, 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 3 of the General Laws is hereby amended by striking out section 9, as amended by chapter 18 of the acts of 1987, and inserting in place thereof the following section:-

Section 9. Except as hereinafter provided, each member of the general court shall receive for each regular annual session, a salary of thirty thousand dollars. Effective January seventh, nineteen hundred and eighty-seven, the salary of each member, except as hereinafter provided, shall be increased by the compounded percentum increase in the salaries of full time state employees subject to collective bargaining agreements between the commonwealth and the ALLIANCE, AFSCME-SEIU, AFL-CIO or its successor employee organization in effect between the first Wednesday in January, nineteen hundred and eighty-three and the first Wednesday in January, nineteen hundred and eighty-seven, as determined by the state treasurer. Thereafter the salary then in effect for each member, except as hereinafter provided, shall be increased by the percentum by which the salaries of said full time state employees are increased pursuant to the said collective bargaining agreement then in effect, as of the effective date of said increase, as so determined. The president of the senate and the speaker of the house of representatives shall each receive for each regular session a sum equal to thirty-five thousand dollars more than the salary otherwise payable to each member of the general court. The chairman of the senate committee on ways and means and the chairman of the house committee on ways and means shall each receive for each regular session a sum equal to twenty-five thousand dollars more than the salary otherwise payable to each member of the general court. The floor leaders of each of the major political parties in the senate and the house of representatives shall each receive a sum equal to twenty-two thousand five hundred dollars more than the salary otherwise payable to each member of the general court. The assistant floor leader of each of the major political parties in the senate and the house of representatives, and the second assistant floor leaders of each of the major political parties in the senate and house of representatives, the third assistant floor leader of the minority party in the senate and house of representatives, the vice chairman of the house committee on ways and means and the vice chairman of the senate committee on ways and means, the senate chairman and the house chairman of the committee on post audit and oversight and the senate chairman and the house chairman



of the committee on taxation shall each receive a sum equal to fifteen thousand dollars more than the salary otherwise payable to each member of the general court. Other chairmen of committees of the house of representatives and the senate established by the joint rules or the house or senate rules, and the house vice chairman of the committee on post audit and oversight, the assistant vice chairman of the house committee on ways and means and the senate committee on ways and means shall each receive a sum equal to seven thousand five hundred dollars more than the salary otherwise payable to each member of the general court; provided, however, that no chairman who serves as chairman for more than one such committee shall receive more than the compensation established for a chairman of one of any such committees. Each member of the general court shall be entitled to be paid for his compensation for each such session at the rate of one-twelfth the amount of compensation for such session for each full month of the session. Such payment shall be to him, upon his request, on the last legislative day in which the general court is in session preceding the fifteenth day of each month and on the date preceding the last legislative day of each month, and shall be for an amount not exceeding the proportion then due at the aforesaid rate; provided, however, that the state treasurer may, during such regular session, make additional payments on account, in excess of such monthly rate, to any member making a written request but the amount of such additional payments shall not exceed, in the aggregate, fifteen hundred dollars in any one such session, or two thousand dollars if such session continues beyond July first, and in no event shall the amount of all payments under this section during such session to any member exceed, in the aggregate, the compensation of such member for such session.

**SECTION 2.** Chapter 6 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. The governor shall receive a salary of eighty-five thousand dollars.

**SECTION 3.** Said chapter 6 is hereby further amended by striking out section 2, as so appearing, and inserting in place thereof the following section:-

Section 2. The lieutenant governor shall receive a salary of seventy thousand dollars; but if the office of governor shall be vacant for a period of more than thirty days he shall, for the time during which he performs the duties of governor, receive at the rate allowed to the governor.

**SECTION 4.** Section 1 of chapter 9 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 state secretary shall receive a salary of seventy thousand dollars.

**SECTION 5.** Section 1 of chapter 10 of the General Laws, as so

---

**ACTS, 1987. – Chap. 72.**

appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The state treasurer shall receive a salary of seventy thousand dollars.

**SECTION 6.** Section 1 of chapter 11 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 state auditor shall receive a salary of seventy thousand dollars and shall give to the state treasurer a bond for the faithful performance of his official duties in a penal sum and with sureties approved by the governor and council.

**SECTION 7.** Section 1 of chapter 12 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 attorney general shall receive a salary of seventy-five thousand dollars.

**SECTION 8.** Any person receiving on the effective date of this act a salary increased pursuant to this act may waive and renounce for himself, his heirs, and his legal representatives for his current term of office the amount of such increase. Such waiver shall be filed in the office of the state treasurer and shall be open to public inspection in said office. Any amount so waived and renounced shall not be deemed regular compensation, salary or wages for the purposes of computing any such person's benefits, including, without limitation, retirement benefits pursuant to chapter thirty-two of the General Laws, health and insurance benefits pursuant to chapter thirty-two A of the General Laws, deferred compensation contracts pursuant to sections sixty-four and sixty-four A of chapter twenty-nine of the General Laws, and workers' compensation pursuant to chapter one hundred and fifty-two of the General Laws, and any amount so waived and renounced shall not be deemed constructively received for the purposes of taxation and shall be exempt from state taxation, including income taxation under chapter sixty-two of the General Laws. Any such person, his heirs or legal representatives shall have no claim to any amount so waived and renounced.

**SECTION 9.** Section one shall take effect as of January seventh, nineteen hundred and eighty-seven. Sections two and three shall take effect as of noon on January eighth, nineteen hundred and eighty-seven. Sections four, five, six and seven shall take effect as of January twenty-first, nineteen hundred and eighty-seven.

Approved May 22, 1987.

---

**Chapter 72.     AN ACT AUTHORIZING THE APPOINTMENT OF  
FRANCIS O'KANE AS A PERMANENT POLICE OF-  
FICER IN THE TOWN OF BROOKLINE.**

Be it enacted, etc., as follows:

---

**ACTS, 1987. - Chaps. 73, 74.**

**SECTION 1.** Notwithstanding the provisions of chapter thirty-one of the General Laws or any other law, rule or regulation to the contrary, the town of Brookline is hereby authorized to appoint parks police officer Francis O'Kane as a permanent police officer in the police department of the town of Brookline.

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

Approved May 22, 1987.

---

**Chapter 73.     AN ACT EXEMPTING THE POSITION OF SECRETARY  
IN THE FIRE DEPARTMENT OF THE TOWN OF WEST  
SPRINGFIELD FROM THE PROVISIONS OF THE CIVIL  
SERVICE LAW.**

Be it enacted, etc., as follows:

**SECTION 1.** The position of secretary in the fire department of the town of West Springfield shall be exempt from the provisions of chapter thirty-one of the General Laws.

**SECTION 2.** The provisions of this act shall not affect the position of any incumbent holding the position of secretary of the fire department on the effective date of this act.

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

Approved May 22, 1987.

---

**Chapter 74.     AN ACT DESIGNATING A CERTAIN BRIDGE IN THE  
TOWN OF CHELMSFORD AS THE M. HORACE  
LeGACY MEMORIAL BRIDGE.**

Be it enacted, etc., as follows:

**SECTION 1.** The bridge on interstate highway Route 495 spanning US highway Route 3 in the town of Chelmsford shall be designated and known as the M. Horace LeGacy Memorial bridge, in memory of M. Horace LeGacy, an engineer for forty-three years at the department of public works. Suitable markers 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.

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

Approved May 22, 1987.

**Chapter 75. AN ACT RELATIVE TO INDUSTRIAL ESPIONAGE.**

Be it enacted, etc., as follows:

Paragraph (4) of section 30 of chapter 266 of the General Laws, as amended by section 2 of chapter 306 of the acts of 1985, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- The term "trade secret" as used in this paragraph means and includes anything tangible or intangible or electronically kept or stored, which constitutes, represents, evidences or records a secret scientific, technical, merchandising, production or management information, design, process, procedure, formula, invention or improvement.

Approved May 22, 1987.

---

**Chapter 76. AN ACT PROVIDING FOR THE USE OF AN UNASSEMBLED EXAMINATION FOR CERTAIN CIVIL SERVICE POSITIONS.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the department of personnel administration is hereby authorized to examine, qualify and rank applicants for original or promotional appointments solely on the basis of training, experience, education or other criteria considered appropriate by the personnel administrator for the positions of qualified mental retardation professional I and II and mental retardation service coordinator I and II.

Approved May 22, 1987.

---

**Chapter 77. AN ACT REQUIRING THE INSPECTION OF SEAT BELTS IN MOTOR VEHICLES.**

Be it enacted, etc., as follows:

Section 7A of chapter 90 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:-

The purpose of the safety and combined safety and emissions inspection regulations shall require that motor vehicles are provided with the following equipment maintained in good order: a vehicle identification number, brakes, stop lamps, lights, directional signals, horn, exhaust system, steering and suspension systems, glazing, windshield cleaner, number plates, tires, fenders, bumpers, external sheet metal, reflectors, splash guards, chock blocks, and air pollution

---

**ACTS, 1987. – Chaps. 78, 79, 80.**

emission control systems or devices and safety belts for motor vehicles, where such safety belts were installed as original equipment at the date of manufacture of such motor vehicle.

Approved May 22, 1987.

---

**Chapter 78. AN ACT PROVIDING FOR THE REGULATION OF  
NUISANCES BY LOCAL HOUSING AUTHORITIES.**

Be it enacted, etc., as follows:

The sixth paragraph of section 32 of chapter 121B of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the seventh sentence the following sentence:- Nothing in this paragraph shall be construed to prohibit a local housing authority from proceeding solely pursuant to the provisions of section nineteen of chapter one hundred and thirty-nine.

Approved May 22, 1987.

---

**Chapter 79. AN ACT DESIGNATING A CERTAIN BRIDGE ON  
STATE HIGHWAY ROUTE 146 IN THE TOWN OF  
NORTHBRIDGE AS THE HONORABLE ROYAL CHAPIN  
TAFT MEMORIAL BRIDGE.**

Be it enacted, etc., as follows:

The bridge, located on state highway Route 146 and over Main street in that part of the town of Northbridge known as Whitinsville, shall be designated and known as the Honorable Royal Chapin Taft Memorial bridge in recognition of Royal C. Taft who lived in the Blackstone valley and in 1888 was elected governor of the State of Rhode Island and the Providence Plantations. Suitable markers bearing such designation shall be attached thereto by the department of public works in compliance with the standards of said department.

Approved May 22, 1987.

---

**Chapter 80. AN ACT RELATIVE TO THE BUREAU FOR SPECIAL  
EDUCATION APPEALS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 1M of chapter 15 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "one F", in line 2, the words:- and subject to section one N,.

---

**ACTS, 1987. - Chaps. 81, 82, 83.**

**SECTION 2.** Section 1N of said chapter 15, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- There shall be one bureau within the department authorized to hold hearings pursuant to the provisions of clauses (9), (14) and (19) of section one M and section three of chapter seventy-one B.

Approved May 22, 1987.

---

**Chapter 81. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF WILMINGTON AS THE SILVIO V. DeNINNO AND HAROLD E. MELZAR BRIDGE.**

Be it enacted, etc., as follows:

The bridge on Lake street in the town of Wilmington spanning the tracks of the Massachusetts Bay Transportation Authority's commuter rail system shall be designated and known as the Silvio V. DelNinno and Harold E. Melzar bridge, in memory of Silvio V. DelNinno and Harold E. Melzar. 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 May 22, 1987.

---

**Chapter 82. AN ACT FURTHER REGULATING THE BOARD OF PUBLIC WORKS IN THE CITY OF HOLYOKE.**

Be it enacted, etc., as follows:

**SECTION 1.** The first paragraph of section 37 of chapter 438 of the acts of 1896 is hereby amended by striking out, in lines 10 and 11, the words " , and of the shade and ornamental trees growing therein".

**SECTION 2.** Section 1 of chapter 115 of the acts of 1922, as amended by chapter 229 of the acts of 1977, is hereby further amended by adding the following sentence:- Said commission shall be vested with the care superintendence and management of the shade and ornamental trees growing on the public grounds of the city.

Approved May 22, 1987.

---

**Chapter 83. AN ACT INCREASING THE PENALTY FOR OPERATING A MOTOR VEHICLE BY OPERATORS NOT DULY LICENSED.**

---

**ACTS, 1987. – Chaps. 84, 85.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 20 of chapter 90 of the General Laws, as appearing in section 83 of chapter 557 of the acts of 1986, is hereby amended by inserting after the word "period", in line 7, the words:– ; provided, however, that any person convicted of operating a motor vehicle without having been issued a license by the registrar shall be punished by a fine of not less than one hundred nor more than two hundred dollars.

**SECTION 2.** Section 21 of said chapter 90 is hereby amended by striking out the first paragraph, as appearing in section 1 of chapter 794 of the acts of 1985, and inserting in place thereof the following paragraph:–

Any officer authorized to make arrests may arrest without a warrant and keep in custody for not more than twenty-four hours, unless a Saturday, Sunday or a legal holiday intervenes, any person who, while operating a motor vehicle on any way, as defined in section one, violates the provisions of the first paragraph of section ten of chapter ninety. Any arrest made pursuant to this paragraph shall be deemed an arrest for the criminal offense or offenses involved and not for any civil motor vehicle infraction arising out of the same incident.

Approved May 22, 1987.

---

**Chapter 84.      AN ACT DESIGNATING A CERTAIN PARCEL OF LAND  
IN THE CITY OF REVERE AS THE ROBERT L. BLAIS  
MEMORIAL SQUARE.**

Be it enacted, etc., as follows:

**SECTION 1.** The land at the intersection of Broadsound avenue, Wave avenue and Winthrop parkway in the city of Revere shall be designated and known as the Robert L. Blais Memorial square, in memory of Robert L. Blais, who was killed in action during the Vietnam conflict while serving as a member of the armed forces of the United States. A suitable marker bearing such designation shall be erected thereon by the metropolitan district commission.

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

Approved May 29, 1987.

---

**Chapter 85.      AN ACT FURTHER DEFINING EDUCATIONAL COLLA-  
BORATIVES.**

Be it enacted, etc., as follows:

---

**ACTS, 1987. - Chaps. 86, 87.**

Chapter 188 of the acts of 1985 is hereby amended by striking out section 25 and inserting in place thereof the following section:-

**Section 25.** For the purposes of this act, "public elementary and secondary school", shall include public schools in all cities, towns, regional school districts, independent vocational schools, public agricultural schools maintained by the counties of Bristol, Essex and Norfolk, and Smith's Agricultural School. "School committee" shall include school committees in all cities, towns and regional school districts, local and district trustees for vocational education and boards of trustees for the county agricultural schools. "Superintendent" shall include the chief appointed executive officer of each school district.

The provisions of this act shall also apply to educational collaboratives established under the provisions of section four E of chapter forty of the General Laws to the same extent as they apply to school committees; provided, however, that educational collaboratives shall not be eligible to receive funds under the provisions of chapter seventy A or under section fifty-five of chapter fifteen of the General Laws; and, provided further, that for the purposes of this act the term "superintendent" shall include the director of an educational collaborative, and the term "principal" shall include an individual appointed by the educational collaborative board of directors to serve in the same capacity as a principal.

Approved May 29, 1987.

---

**Chapter 86.     AN ACT RELATIVE TO REINSURANCE INVOLVING  
DOMESTIC LIFE COMPANIES.**

Be it enacted, etc., as follows:

The second paragraph of section 20 of chapter 175 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "reinsured", in lines 10 and 11, the following words:- , or unless balances due from the reinsurer are absolutely secured to such life company by any of, or a combination of, the following: funds withheld from such reinsurer and under the exclusive control of such life company, securities on deposit with and under the exclusive control of such life company and valued in accordance with the requirements of section eleven, or funds held in trust in a bank authorized to do business pursuant to the laws of any state or of the United States but only if such funds are subject to withdrawal by and under the exclusive control of such life company.

Approved May 29, 1987.

---

**Chapter 87.     AN ACT RELATIVE TO INTEREST IN COMMON AREAS  
IN CONDOMINIUMS.**



---

**ACTS, 1987. – Chaps. 88, 89, 90.**

Be it enacted, etc., as follows:

Paragraph (b) of section 5 of chapter 183A 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 percentage of the undivided interest of each unit owner in the common areas and facilities as expressed in the master deed shall not be altered without the consent of all unit owners whose percentage of the undivided interest is affected, expressed in an amended master deed duly recorded.

Approved May 29, 1987.

---

**Chapter 88.     AN ACT ELIMINATING THE REQUIREMENT OF A  
SEPARATE PETITION FOR APPOINTMENT OF A  
TEMPORARY CONSERVATOR.**

Be it enacted, etc., as follows:

Section 21 of chapter 201 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following sentence:- No separate petition shall be necessary for the appointment of a temporary conservator and, except as specified herein, the procedures relative to filing, notice, hearings and related matters normally incident to equitable proceedings and relief prior to final decree shall apply to these proceedings, and the principles of equity normally applicable to the issuance, denial, and expiration of orders for temporary or preliminary relief shall also apply.

Approved May 29, 1987.

---

**Chapter 89.     AN ACT RELATIVE TO BETTERMENT ASSESSMENTS  
ON FOREST LAND.**

Be it enacted, etc., as follows:

Section 5 of chapter 61 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "pipes", in line 5, the words:- to provide fire protection to such adjacent forest land.

Approved May 29, 1987.

---

**Chapter 90.     AN ACT REGARDING PENALTIES FOR NOT OBEYING  
TRAFFIC CONTROL SIGNS AND DEVICES.**

---

**ACTS, 1987. - Chap. 91.**

Be it enacted, etc., as follows:

Section 9 of chapter 89 of the General Laws, as most recently amended by section 6 of chapter 689 of the acts of 1986, is hereby further amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

Any person violating the provisions of this section shall be punished by a fine not to exceed fifty dollars for each offense.

Approved May 29, 1987.

---

**Chapter 91. AN ACT AUTHORIZING THE TOWN OF SAUGUS TO GRANT CERTAIN EASEMENTS.**

Be it enacted, etc., as follows:

The town of Saugus is hereby authorized to grant easements for the purpose of installing and maintaining of a sewer line through land used for recreational purposes in said town.

Said easements shall consist of the following three parcels:

**Parcel 1**

Beginning at a point on the northwestern lot corner of land of Austin Realty Trust (Lot A-37), and at the northeastern corner of Austin Court, as shown on a plan hereinafter referred to;

thence N54-40-20W by Austin Court a distance of fifty-three and eighty-nine hundredths feet (53.89');;

thence N54-09-00W a distance of eighty-nine and twenty-six hundredths feet (89.26');;

thence N45-42-50W a distance of fifty-seven and fifty-eight hundredths feet (57.58');;

thence by land of B&MRR along a curved line with radius of two-thousand five-hundred fifteen and forty-seven hundredths feet (2515.47') and a length of six-hundred fifteen feet (615') to a point;

thence S54-42-30E a distance of thirty feet (30');;

thence S35-17-30W a distance of twenty feet (20');;

thence N54-42-30W a distance of eighteen feet (18');;

thence S34-12-51W a distance of one-hundred fifty-one and twenty-eight hundredths feet (151.28');;

thence S25-53-35W a distance of two-hundred eighty-eight and thirty-seven hundredths feet (288.37');;

thence S22-22-30W a distance of one-hundred forty-seven and one-hundredths feet (147.01');;

thence S54-09-00E a distance of one-hundred eighty feet (180');;

thence S35-19-40W a distance of eighteen feet (18') to point of beginning.

Intending to describe a twenty foot (20') wide easement through recreational land, as shown on Sheet 5 of plan entitled, "Easement Plan, Shute Brook Interceptor, Saugus, Mass., Scale: 1"=40', Dated: August 15,

---

**ACTS, 1987. - Chap. 91.**

1986, with latest revision date of Jan. 7, 1987", and prepared by Carter & Towers Engineering Corp.

**Parcel 2**

Beginning at a point on the property line between land of Revere Development Corporation and land of Town of Saugus, a distance of sixty-six and nine-tenths feet (66.9') southwesterly from the northwestern most property corner of land of Revere Development Corporation (Lot A-55), as shown on plan hereinafter referred to; running S27-18-20W by land of Revere Development Corporation a distance of twenty and twenty-two hundredths feet (20.22'); thence N71-16-40W a distance of one-hundred sixteen and thirty-one hundredths feet (116.31'); thence N50-41-40W a distance of one-hundred sixty-six feet (166.00'); thence N15-21-40W a distance of fifty-five and forty-four hundredths feet (55.44'); thence N23-51-40W a distance of one-hundred nineteen and twenty-four hundredths feet (119.24'); thence N77-06-40W a distance of three-hundred twenty-four and sixty-six hundredths feet (324.66') to land of Charlotte M. St. Pierre; thence N08-54-25E by land of Charlotte St. Pierre a distance of twenty and five-hundredths feet (20.05'); thence S77-06-40E a distance of three-hundred thirty-six and eight hundredths feet (336.08'); thence S23-51-40E a distance of two-hundred ten and eighty-six hundredths feet (210.86'); thence S15-21-40E a distance of fifty and forty-six hundredths feet (50.46'); thence S50-41-40E a distance of one-hundred fifty-six feet (156.00'); thence S71-16-40E a distance of one-hundred fifteen and eighteen hundredths feet (115.18') to the point of beginning.

Also beginning at a point on the property line between Charlotte M. St. Pierre and the Town of Saugus, a distance of seventeen and four-tenths feet (17.4') northwesterly from the northeastern most property corner of land of Charlotte M. St. Pierre (Lot A-28), as shown on a plan hereinafter referred to; running N65-35-35W by land of St. Pierre a distance of twenty-two and fifty-two hundredths feet (22.52'); thence N02-56-43W a distance of eighty-five and thirty-nine hundredths feet (85.39'); thence N87-03-17E a distance of twenty feet (20.00'); thence S02-56-43E a distance of ninety-five and seventy-four hundredths feet (95.74') to the point of beginning.

Intending to describe two twenty-foot (20') wide sewer easements through recreational land, as shown on sheet 4 of plan entitled, "Easement Plan, Shute Brook Interceptor, Saugus, Mass., Scale: 1"=40", Dated: August 15, 1986, with latest revision date of January 7, 1987", and prepared by Carter & Towers Engineering Corporation.

**Parcel 3**

Beginning at a point on the southwest sideline of Riverside Court, a

---

ACTS, 1987. - Chap. 92.

distance of two-hundred thirty-two and nine-tenths feet (232.9') northwesterly from the westerly intersection of Riverside Court and Stocker Street on the southwest sideline of Riverside Court, as shown on a plan hereinafter referred to;  
running S14°-30'-28"W a distance of one-hundred forty and fifty-five hundredths feet (140.55');  
thence S25°-30'-28"W a distance of two-hundred ninety-five and nine hundredths feet (295.09');  
thence S79°-49'-45"W a distance of two-hundred forty and sixty-one hundredths feet (240.61');  
thence S85°-16'-39"W a distance of sixty-eight and ninety-three hundredths feet (68.93') to land of Theresa H. Pendleton;  
thence N21°-15'-58"E by land of Theresa Pendleton a distance of six and fifty-eight hundredths feet (6.58');  
thence N61°-34'-02"W by land of Theresa Pendleton a distance of twenty-five and seventy-six hundredths feet (25.76');  
thence N85°-16'-39"E a distance of eighty-six and sixty-six hundredths feet (86.66');  
thence N79°-49'-45"E a distance of two-hundred twenty-nine and forty-hundredths feet (229.40');  
thence N25°-30'-28"E a distance of two-hundred eighty-two and ninety-hundredths feet (282.90');  
thence N14°-30'-28"E a distance of one-hundred forty-one and sixty-five hundredths feet (141.65');  
thence S66°-54'-20"E a distance of twenty and twenty-three hundredths feet (20.23') to the point of beginning.

Intending to describe a twenty foot (20') wide easement through recreational land, as shown on Sheet 1 of plan entitled, "Easement Plan, Shute Brook Interceptor, Saugus, Mass., Scale: 1"=40', Dated: August 15, 1986, with latest revision date of January 7, 1987", and prepared by Carter & Towers Engineering Corporation.

Approved May 29, 1987.

EMERGENCY LETTER: May 29, 1987 @ 10:49 A.M.

---

**Chapter 92. AN ACT RELATIVE TO THE APPOINTMENT, TERMS, POWERS AND DUTIES OF CERTAIN OFFICERS OF THE CITY OF PITTSFIELD.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 26 of chapter 280 of the acts of 1932, as most recently amended by section 1 of chapter 401 of the acts of 1983, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Subject to the confirmation or rejection of the city council the mayor shall appoint as soon as convenient in the month of January after the beginning of his term of office, a collector of taxes, a city treasurer, a

---

**ACTS, 1987. – Chaps. 93.**

city physician, a city accountant, a commissioner of public works, a commissioner of public utilities, a commissioner of public health, a director of community services, an assistant to the mayor for administrative services, a purchasing agent, a director of maintenance and a building commissioner. Each officer so appointed shall serve for a term of two years from the third Monday in January in the year of the officer's appointment and until the officer's successor shall be duly appointed and qualified.

**SECTION 2.** This act shall be submitted to the voters of the city of Pittsfield at the city 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 city officers at said election:-

"Shall an act passed by the general court in the year nineteen hundred and eighty-seven, entitled 'An Act relative to the appointment, terms, powers and duties of certain officers in 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-eight, but not otherwise.

Approved May 29, 1987.

---

**Chapter 93. AN ACT REQUIRING DOMESTIC VIOLENCE TO BE INDICATED ON CERTAIN POLICE DEPARTMENT INCIDENT REPORT FORMS.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 22 of the General Laws is hereby amended by inserting after section 9T, as appearing in the 1984 Official Edition, the following section:-

Section 9U. The form used by an investigating police officer to make a report concerning any incident, offense or alleged offense investigated or any arrest made shall provide a space to indicate whether such incident, offense, alleged offense or arrest involved abuse as defined in section one of chapter two hundred and nine A.

**SECTION 2.** Chapter 41 of the General Laws is hereby amended by inserting after section 98F, as so appearing, the following section:-

Section 98G. Any city, town or district police department which requires an investigating police officer to make a report concerning an incident, offense or alleged offense investigated, or any arrest made, on a form provided by the department, shall include on said form a space to indicate whether said incident, offense, alleged offense or arrest involved abuse as defined in section one of chapter two hundred and nine A.

---

**ACTS, 1987. – Chaps. 94, 95.**

**SECTION 3.** This act shall take effect on January first, nineteen hundred and eighty-eight.

Approved May 29, 1987.

---

**Chapter 94.      AN ACT RELATIVE TO THE ADMINISTRATION OF  
SMALL ESTATES WHERE AN EXECUTOR IS NAMED IN  
A WILL.**

Be it enacted, etc., as follows:

Section 16A of chapter 195 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:-

If an inhabitant of the commonwealth dies leaving an estate consisting entirely of personal property the total value of which may include a motor vehicle of which the decedent was the owner, and other personal property not exceeding five thousand dollars in value, and he leaves a will naming a person to be executor, the named person, if of full age and legal capacity may, after the expiration of thirty days from the death of the decedent, provided no petition for letters testamentary or letters of administration have been filed with the probate court of the county in which the decedent resided, file with said probate court upon a form prescribed by the court a statement, verified by oath, or affirmation containing: (a) the name and residential address of the affiant, (b) the name, residence and date of death of the deceased, (c) the relationship, if any, of the affiant to the deceased, (d) a schedule showing every asset of the estate known to the affiant and the estimated value of each such asset, (e) a statement that the affiant has undertaken to act as voluntary executor of the estate of the deceased and will administer the same according to law, and apply the proceeds thereof in conformity with this section, (f) the names and addresses of surviving joint owners of property with the deceased, known to the affiant, (g) the names and addresses known to the affiant of the persons who would take under the provisions of section three of chapter one hundred and ninety in the case of intestacy, and (h) the names and addresses known to the affiant of the persons who would take under the provisions of the will. The original of the will shall be filed with the above statement and if the executor resides outside the commonwealth he shall appoint a resident agent to represent him within the commonwealth. The oath required by this section shall not be governed by section one A of chapter two hundred and sixty-eight.

Approved May 29, 1987.

---

**Chapter 95.      AN ACT RELATIVE TO FOREST LAND, FARM LAND  
AND RECREATIONAL LAND.**

---

**ACTS, 1987. – Chap. 96.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 8 of chapter 61 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 13, the word "sixty" and inserting in place thereof the words:- one hundred and twenty.

**SECTION 2.** Said section 8 of said chapter 61, as so appearing, is hereby further amended by striking out, in line 45, the word "forty-five" and inserting in place thereof the word:- ninety.

**SECTION 3.** Section 14 of chapter 61A of the General Laws is hereby amended by striking out the third sentence, as so appearing, and inserting in place thereof the following sentence:- For a period of one hundred twenty days subsequent to such notification, said city or town shall have, in the case of an intended sale, a first refusal option to meet a bona fide offer to purchase said land, or, in the case of an intended conversion not involving sale, an option to purchase said land at full and fair market value to be determined by impartial appraisal.

**SECTION 4.** Said section 14 of said chapter 61A is hereby further amended by striking out the last sentence, as so appearing, and inserting in place thereof the following sentence:- The provisions of this section shall not be applicable with respect to a mortgage foreclosure sale; but the holder of a mortgage shall, at least ninety days before a foreclosure sale, send written notice of the time and place of such sale to the parties and in the manner above provided in this section for notice of intent to sell or convert, and the giving of such notice may be established by an affidavit of a notary public as set forth above.

**SECTION 5.** Section 9 of chapter 61B of the General Laws, as so appearing, is hereby amended by striking out, in line 15, the word "ninety" and inserting in place thereof the words:- one hundred and twenty.

**SECTION 6.** Said section 9 of said chapter 61B, as so appearing, is hereby further amended by striking out, in line 48, the word "forty-five" and inserting in place thereof the word:- ninety.

Approved May 29, 1987.

---

**Chapter 96.      AN ACT ESTABLISHING THE EXPIRATION DATE FOR  
APPOINTMENTS BY THE BROOKLINE BOARD OF  
SELECTMEN TO BOARDS AND COMMISSIONS.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of any general or special

---

**ACTS, 1987. - Chaps. 97, 98, 99.**

law or by-law to the contrary, all appointments to town boards and commissions made by the board of selectmen of the town of Brookline shall be made so that the terms of office expire on August thirty-first in the year in which such term expires, unless otherwise specified by said board of selectmen or unless such appointment is for an indefinite term.

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

Approved June 1, 1987.

---

**Chapter 97.      AN ACT EXEMPTING CERTAIN POSITIONS IN THE  
DATA PROCESSING DEPARTMENT OF THE CITY OF  
WORCESTER FROM THE PROVISIONS OF THE CIVIL  
SERVICE LAW.**

Be it enacted, etc., as follows:

The positions of associate programmer, systems programmer, and senior systems programmer, all in the data processing services department of the city of Worcester, shall be exempt from the provisions of chapter thirty-one of the General Laws.

Approved June 1, 1987.

---

**Chapter 98.      AN ACT EXEMPTING THE POSITIONS OF DIRECTOR  
OF EQUIPMENT MAINTENANCE AND PRINCIPAL  
CIVIL ENGINEER IN THE DEPARTMENT OF PUBLIC  
WORKS OF THE CITY OF WORCESTER FROM THE  
PROVISIONS OF THE CIVIL SERVICE LAW.**

Be it enacted, etc., as follows:

The positions of director of equipment maintenance and principal civil engineer in the department of public works of the city of Worcester shall be exempt from the provisions of chapter thirty-one of the General Laws.

Approved June 1, 1987.

---

**Chapter 99.      AN ACT REQUIRING DEATH CERTIFICATES TO BE  
FILED WITH EVERY PETITION FOR APPOINTMENT OF  
AN ADMINISTRATOR OR EXECUTOR OF AN ESTATE  
FILED IN THE PROBATE COURTS OF THE COM-  
MONWEALTH.**



---

**ACTS, 1987. - Chaps. 100, 101.**

Be it enacted, etc., as follows:

Chapter 192 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 petition for the probate of a will, letters of administration or letters testamentary shall have annexed an affidavit of the petitioner or of one of the petitioners that the statements therein made are true to the best of his knowledge and belief and shall be accompanied by a certified copy of the decedent's death certificate issued by a public officer.

Approved June 1, 1987.

---

**Chapter 100. AN ACT FURTHER REGULATING JURISDICTION IN CERTAIN CHILD SUPPORT CASES.**

Be it enacted, etc., as follows:

Section 3 of chapter 223A of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following clause:-

(h) having been subject to the exercise of personal jurisdiction of a court of the commonwealth which has resulted in an order for child support or maintenance, notwithstanding the subsequent departure of the defendant from the commonwealth, where the plaintiff and the child continue to reside within the commonwealth and where such plaintiff is pursuing an action involving modifications of such order or the enforcement thereof.

Approved June 1, 1987.

---

**Chapter 101. AN ACT DESIGNATING THE STATE POOL IN THE TOWN OF SOUTHBRIDGE AS THE COUNCILLOR ANDREW J. PETRO MEMORIAL SWIMMING POOL.**

Be it enacted, etc., as follows:

The state swimming pool located on Randolph street in the town of Southbridge shall be designated and known as the Councillor Andrew J. Petro Memorial swimming pool in memory of Andrew J. Petro. The division of forests and parks shall erect suitable markers bearing such designation in compliance with the standards of said department.

Approved June 1, 1987.

---

**ACTS, 1987. - Chaps. 102, 103.**

**Chapter 102. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF MIDDLESEX COUNTY TO BORROW MONEY TO MAKE CERTAIN IMPROVEMENTS AT THE MIDDLESEX COUNTY HOSPITAL.**

Be it enacted, etc., as follows:

**SECTION 1.** The county commissioners of Middlesex county are hereby authorized to expend for the Middlesex county hospital a sum not exceeding three million dollars to upgrade the electrical, life safety, building structure, grounds and patient communications systems, including architectural and engineering fees and other costs incidental thereto and connected therewith.

**SECTION 2.** For the purposes authorized by section one, the county treasurer of Middlesex county, with the approval of the county commissioners and the county advisory board on county expenditures of said county, may borrow upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, three million dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words, Middlesex County Hospital Loan, Act of 1986. Each authorized issue shall constitute a separate loan and such loans shall be payable not more than twenty-five years from their dates. Said 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 a 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 June 3, 1987.

---

**Chapter 103. AN ACT AUTHORIZING REGIONAL SCHOOL DISTRICTS TO INCUR DEBT FOR ADDITIONAL SCHOOL PURPOSES.**

Whereas, The deferred operation of this act would tend to defeat its purpose which is to immediately provide funds for construction of recreational facilities by regional school districts. 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:

Clause (d) of section 16 of chapter 71 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting

---

**ACTS, 1987. – Chaps. 104, 105.**

after the word "years", in line 28, the words:- ; or for the purpose of constructing, reconstructing or making improvements to outdoor playground, athletic or recreational facilities for a term not exceeding ten years; or for the purpose of constructing, reconstructing or resurfacing roadways and parking lots for a term not exceeding ten years.

Approved June 3, 1987.

---

**Chapter 104. AN ACT ESTABLISHING A LIABILITY INSURANCE FUND IN THE CITY OF NEWTON.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, the city of Newton may appropriate in each fiscal year an amount not exceeding one-twentieth of one per cent of its equalized valuation as defined in section one of chapter forty-four of the General Laws to establish and maintain a special fund to be known as the City of Newton's Liability Insurance Fund; provided, however, that no such appropriation may be made in any fiscal year when the aggregate amount in said fund equals or exceeds one per cent of such equalized valuation. Any interest earned on the amount appropriated to such fund shall be added to and become part of the fund.

The treasurer of said city shall be the custodian and administrator of this fund and may deposit or invest the fund in such manner as may be lawful under section fifty-four of said chapter forty-four for the investment of municipal trust funds.

Said treasurer shall pay from the amount in the fund including the interest thereon such amounts as the city solicitor of said city determines to be necessary from time to time to settle claims against the said city and to cover the costs of defending said city against such claims including without limitation the costs of employing legal counsel, court costs and filing fees. Said treasurer shall also pay from the amount in the fund including the interest thereon such amounts as the purchasing agent of said city determines are necessary to effect insurance to protect said city against some or all of such claims. Any amount in the fund which is not paid out by said city treasurer in accordance with this act which remains in the fund at the end of a fiscal year shall be added to the fund to be paid out by said city treasurer in subsequent years in accordance with this act.

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

Approved June 3, 1987.

---

**Chapter 105. AN ACT AUTHORIZING THE TOWN OF SHREWSBURY TO PAY A CERTAIN UNPAID BILL.**

---

**ACTS, 1987. – Chaps. 106, 107.**

Be it enacted, etc., as follows:

**SECTION 1.** The town treasurer of the town of Shrewsbury is hereby authorized to pay from available funds to Advanced Environmental Technology Corporation the sum of six thousand four hundred fifty-nine dollars and twenty-three cents for packaging and disposing of chemicals, notwithstanding the failure of said town to comply with the appropriate provisions of law relative to competitive bidding in the awarding of the contract.

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

Approved June 3, 1987.

---

**Chapter 106. AN ACT AUTHORIZING THE TOWN OF REHOBOTH TO ESTABLISH A CERTAIN REVOLVING FUND.**

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 Rehoboth is hereby authorized to establish a separate fund which shall be kept separate and apart from all other funds of said town by the treasurer and in which shall be deposited all monies received by said town from septage haulers permit fees. Such funds and interest thereon shall be expended without further appropriation for charges by the Upper Black Water Pollution Abatement District for the disposal of septage from said town.

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

Approved June 3, 1987.

---

**Chapter 107. AN ACT EXTENDING THE PERIOD FOR CERTAIN INDIVIDUALS TO COMPLETE REQUIREMENTS FOR RECERTIFICATION AS AMBULANCE OPERATORS OR ATTENDANTS.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately extend the period during which certain individuals are required to complete requirements for recertification as ambulance operators or attendants, 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, 1987. - Chap. 108.**

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 from December thirty-first, nineteen hundred and eighty-six to April thirtieth, nineteen hundred and eighty-seven, the period during which the following individuals are required to complete a supplemental course in emergency medical care necessary for recertification as an ambulance operator or attendant: Carol L. Benson (#805502) of the town of Hatfield, Carl C. Demrow (#811094) of the town of Amherst, Richard M. Hall (#805508) of the town of Pelham, Lelia Kauffman (#126692) and Scott B. Keith (#808979) both of the town of Cummington, Warren Kirpatrick (#031393) of the town of Ashfield, Richard R. Leclair (#090154) of the city of Pittsfield, Gerald D. Perwak (#802646) of the town of South Deerfield, Michael W. Tirrell (#085261) and Jeffrey R. Wallace (#802673) both of the town of Windsor.

Approved June 3, 1987.

---

**Chapter 108. AN ACT PROVIDING FOR DISPOSITION OF CERTAIN STATE-OWNED PROPERTY IN SALEM.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the redevelopment of underutilized state-owned property for the public benefit, 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, hereinafter called "the deputy commissioner", is hereby authorized, pursuant to the provisions of sections forty E through forty J of chapter seven of the General Laws to convey all or partial interests in a certain parcel of land located on Essex street in the city of Salem, together with the buildings thereon, hereinafter the "Salem Armory", to an entity or entities, hereinafter "the developer". Said conveyance shall be for the purpose of development that may include civic and cultural, commercial, and residential uses and shall be subject to the terms and conditions described in this act and other terms and conditions as the deputy commissioner may prescribe.

Said parcel is bounded and described as follows: A certain parcel of land with buildings thereon located in said Salem, Essex County, Massachusetts, and being shown partly on a plan entitled "Plan of Premises to the Conveyed to the City of Salem for Location of Armory, George F. Ashton, City Engineer 1907", hereinafter Plan of 1907 scale: 1"=20' recorded in the southern district registry of deeds in the county of Essex, at the end of Book 1899, and partly on a "Plan Showing Easement in Right of Way & Land Taken for Armory Purposes," George

F. Ashton, City Engineer, Salem, Massachusetts, January 1908, hereinafter Plan of 1908, scale: 1"=5' as referenced with said deeds in Book 1910, Page 519.

Beginning on the northwesterly side of Essex Street at a point which is the intersection of the land marked "Stephen Abbot Associates" with the land marked "Essex Institute" as shown on said plan of 1907 thence running: Southwesterly, 62 feet 4 inches by Essex Street to a point; thence Northwesterly, 2 feet 7 inches to the line of Essex Street as widened or proposed to be widened in 1876; thence Southwesterly, 16 feet 9 inches by Essex Street to a point; thence Northwesterly 65 feet 2 inches by land now or formerly of Holbrook; thence Southwesterly, 3 feet 6 inches to a point; thence Northwesterly, 28 feet 3 inches to a point; thence Southwesterly, 20 feet 10 inches to the land now or formerly of Simon, the last three lines being by land now or formerly of Holbrook; thence Northerly, 47 feet by land now or formerly of Simon to a point; thence Westerly, 41 feet 0 inches by said land of Simon to land now or formerly of Jennings's Estate; thence Northerly, 127 feet 9.34 inches by land now or formerly of Jennings's Estate to a point marked "F" as shown on plan of 1908; thence Northwesterly, 19 and 63/100 (19.63) feet by land now or formerly of Jennings's Estate to Brown Street at a point marked as "H" as shown on plan of 1908; thence Northeasterly, 4 and 56/100 (4.56) feet by Brown Street to a point marked as "E" as shown on plan of 1908; thence continuing Northeasterly 145 feet 9 inches by said Brown Street to land formerly of the Manning Estate as shown on plan of 1907; thence Southeasterly, 96 feet 4 inches by said land formerly of the Manning Estate to the land of the Essex Institute; thence Southwesterly, 48 feet 2 inches by the land of the Essex Institute to a point; thence Southeasterly, 200 feet 4 inches by the land of Essex Institute to Essex Street and the point of beginning.

The above described premises are subject to a right of way twelve (12) feet in width from Brown Street to land now or formerly of Simon, located on the westerly side of the premises adjoining land now or formerly of Jennings's Estate. For Grantor's Title, see Takings by the Massachusetts State Armory Commission, dated November 25, 1907, and December 9, 1907, and recorded respectively with said deeds in Book 1899, Page 286, and in Book 1910, Page 518. See also Section 40E of Chapter 7 of the General Laws. Any reference to "the parcel" herein may include portions of such parcel.

**SECTION 2.** Pursuant to the provisions of this section and sections forty E through forty J of chapter seven of the General Laws, the deputy commissioner is hereby authorized to solicit, evaluate, and select development proposals and enter into land disposition agreements between said division of capital planning and operations and the developer.

Prior to issuing a request for proposals pursuant to this section, the deputy commissioner shall undertake such studies as are necessary to determine the economic feasibility of the terms and conditions, including selection criteria, set forth in the request for proposals.

The deputy commissioner shall issue a request for proposals. The request for proposals shall specify:

(1) if the deputy commissioner has determined housing for moderate and middle income households to be a feasible use at either on-site or off-site locations, the minimum number of housing units for such households that must be provided;

(2) if the deputy commissioner has determined the minimum or maximum space, or both, that should be provided for other development uses consistent with the purposes of this act, such minimum or maximum space requirements;

(3) a listing and description of uses determined by the deputy commissioner to be infeasible or inconsistent with the purposes of this act;

(4) all evaluation criteria that will be utilized for the evaluation of proposals, together with a statement that evaluations shall be based solely on the criteria set forth in the request for proposals;

(5) all items or categories of information which must be included in each development proposal, and a format for submitting such information; and

(6) those terms and conditions of the land disposition agreement which are not subject to negotiation, provided that the land disposition agreement shall incorporate by reference the development proposal submitted by the selected developer together with any revisions thereof that have been negotiated in accordance with this section, and provided further that the land disposition agreement shall include remedies on behalf of the commonwealth in the event the developer fails to fulfill its obligation as set forth in the land disposition agreement.

Taking into consideration the proposed price and the evaluations based on the criteria set forth in the request for proposals, the deputy commissioner shall determine the responsible and responsive developer submitting the most advantageous proposal. The deputy commissioner may condition disposition of the parcel described in section one on the negotiation of revisions in the development proposal submitted by the selected developer. The deputy commissioner may reject any and all proposals if he determines that rejection is in the best interests of the commonwealth.

If the deputy commissioner selects a developer who did not offer the highest price, the deputy commissioner shall include a justification for such decision in the notification required by section forty H of chapter seven of the General Laws. The deputy commissioner shall maintain a written record in reasonable detail of evaluations and negotiations undertaken pursuant to this act, and shall retain such record with the proposals in accordance with said section forty H.

**SECTION 3.** The deputy commissioner is hereby authorized to retain or grant rights of way or easements across the parcel described in section one, and the commonwealth may accept from the developer similar rights of way or easements in roadways or land on the parcels to be conveyed pursuant to this act.

---

**ACTS, 1987. - Chap. 109.**

**SECTION 4.** At least ten days, excluding Saturdays, Sundays, and holidays, before soliciting proposals, the deputy commissioner shall submit to the joint committee on state administration and the inspector general the request for proposals and all studies relating thereto. At least ten days, excluding Saturdays, Sundays, and holidays, before executing any agreement authorized by this act, or any subsequent amendment thereof, the deputy commissioner shall submit the agreement or amendment to the house and senate committees on ways and means, the joint committee on state administration, and the inspector general.

**SECTION 5.** The deputy commissioner shall provide opportunities for the Salem armory citizens advisory committee to review and comment on studies and the request for proposals. The deputy commissioner shall consider said committee's recommendations, provided that said recommendations shall be advisory only, and in no event shall the deputy commissioner delegate his legal authority to the committee.

Approved June 3, 1987.

---

**Chapter 109. AN ACT PROVIDING FOR THE USE OF LAND IN NORFOLK COUNTY AS A TEMPORARY MINIMUM SECURITY ALTERNATIVE CORRECTIONAL CENTER.**

Be it enacted, etc., as follows:

**SECTION 1.** The county commissioners of Norfolk county are hereby authorized to use for correctional purposes the building known as the former nurses' quarters on the grounds of the Norfolk county hospital to operate the Braintree alternative center.

Said center shall remain in operation only until June thirtieth, nineteen hundred and eighty-nine or for a period of thirty days after the opening of a jail and house of correction replacing the present correction facility in the town of Dedham, whichever first occurs.

The inmate population of said center shall not exceed fifty-six. The physical character of the said nurses' quarters shall not be changed. No court of the commonwealth shall sentence any person to said center. All inmates housed at said center shall be placed there by the authority of the sheriff of said county after consultation with the chief of police of the town of Braintree, in accordance with existing procedures.

Said sheriff shall operate said center as a temporary, minimum security alternative correction center in accordance with the guidelines of said county for the operation of such a center. No inmate shall be housed at said center who does not conform to the provisions of said guidelines. No inmate convicted of sexual offenses, breaking and entering a dwelling house or trafficking in controlled substances shall be housed at said center.



---

**ACTS, 1987. - Chaps. 110, 111.**

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

Approved June 3, 1987.

---

**Chapter 110. AN ACT MAKING A CORRECTIVE CHANGE TO THE MASSACHUSETTS CORPORATION FOR EDUCATIONAL TELECOMMUNICATIONS LAW.**

Be it enacted, etc., as follows:

Section 9 of chapter 560 of the acts of 1982 is hereby amended by striking out, in line 3, the word "seven" and inserting in place thereof the word:- eight.

Approved June 3, 1987.

---

**Chapter 111. AN ACT RELATIVE TO MEMBERSHIP ON THE ADVISORY COUNCIL OF THE MASSACHUSETTS CORPORATION FOR EDUCATIONAL TELECOMMUNICATIONS.**

Be it enacted, etc., as follows:

Section 3 of chapter 560 of the acts of 1982 is hereby amended by striking out the eighth paragraph and inserting in place thereof the following paragraph:-

There shall be an advisory council to MCET, which shall consist of no more than fifteen members appointed by the governor for terms of five years who shall be broadly representative of the racial, ethnic, and cultural diversity of the commonwealth and of potential providers and users of said network and who are not otherwise represented on the board of directors of MCET, including, but not limited to, representatives of the following sectors: teacher labor organizations; the board of library commissioners; hospitals in the commonwealth; higher education programs in medicine, education and engineering, and the nursing and legal professions. The council shall evaluate the telecommunications needs of various sectors of the commonwealth and recommend to the MCET board of directors programs and activities designed to serve any such needs. The council shall meet no less than three times a year and shall annually elect a chairman from among its membership. Eight members of the advisory council shall constitute a quorum.

Approved June 3, 1987.

---

**ACTS, 1987. – Chaps. 112, 113, 114.**

**Chapter 112. AN ACT REQUIRING PUBLIC NOTICE BEFORE ELECTIONS TO FILL VACANCIES IN TOWN OFFICES.**

Be it enacted, etc., as follows:

Section 10 of chapter 41 of the General Laws, as amended by chapter 34 of the acts of 1985, is hereby further amended by adding the following paragraph:

No election shall be held for any office pursuant to this section unless the selectmen file with the town clerk notice of an election for such office not less than fifty-seven days before the date of the election.

Approved June 3, 1987.

---

**Chapter 113. AN ACT FURTHER REGULATING THE PROCEDURE FOR THE PROMULGATION OF STATE AGENCY REGULATIONS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 3A of chapter 30A of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the second sentence.

**SECTION 2.** The fourth paragraph of section 6 of said chapter 30A, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:– Emergency regulations shall become effective when filed with the state secretary, or at such later time as may be required by law or be specified therein, and shall remain in effect no longer than three months following filing except as provided in sections two and three.

Approved June 3, 1987.

---

**Chapter 114. AN ACT FURTHER REGULATING NONPAYMENT OF FINES.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 144 of chapter 127 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 3, the word "three" and inserting in place thereof the following word:– thirty.

**SECTION 2.** Said chapter 127 is hereby further amended by striking out section 145, as so appearing, and inserting in place thereof the following section:–

---

**ACTS, 1987. – Chaps. 115, 116.**

Section 145. Justices of district courts shall discharge from jail persons confined for the nonpayment of fine, or of fine and expenses, if they are of opinion that such persons are not able to pay the same or that it is otherwise expedient; but no fee shall be allowed to any person for such service.

**SECTION 3.** Section 146 of said chapter 127, as so appearing, is hereby amended by striking out, in lines 2 and 15, the word "three" and inserting in place thereof, in each instance, the following word:– one.

Approved June 3, 1987.

---

**Chapter 115. AN ACT RELATIVE TO THE DIVISION OF CITIES AND TOWNS INTO VOTING PRECINCTS.**

Be it enacted, etc., as follows:

**SECTION 1.** The first paragraph of section 2 of chapter 54 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following sentence:– For the sole purpose of dividing a city into precincts under this section, no inhabitant of a college or university, correctional institution, healthcare or mental health facility, military reservation or other such institution shall be counted, unless such inhabitant of any such institution is a registered voter of the city; provided, however, that all such inhabitants of such institutions shall be included in the state census returns required by section seven of chapter nine.

**SECTION 2.** The second paragraph of section 6 of said chapter 54, as so appearing, is hereby amended by adding the following sentence:– For the sole purpose of dividing a town into precincts under this section, no inhabitant of a college or university, correctional institution, healthcare or mental health facility, military reservation or other such institution shall be counted, unless such inhabitant of any such institution is a registered voter in such town; provided, however, that all such inhabitants of such institutions shall be included in the state census returns required by section seven of chapter nine.

Approved June 3, 1987.

---

**Chapter 116. AN ACT FURTHER REGULATING THE REVIEW OF SEXUALLY DANGEROUS PERSONS' PETITIONS FOR DISCHARGE.**

Be it enacted, etc., as follows:

Section 9 of chapter 123A of the General Laws, as appearing in section

---

**ACTS, 1987. – Chaps. 117, 118, 119.**

1 of chapter 752 of the acts of 1985, is hereby amended by striking out the tenth sentence and inserting in place thereof the following two sentences:- The court shall order the petitioner to be examined by two qualified examiners, who shall be appointed by the commissioner of mental health, and who shall conduct examinations, including personal interviews, of the person on whose behalf such petition is filed and file with the court written reports of their examinations and diagnoses, and their recommendations for the disposition of such person. If such person refuses, without good cause, to be personally interviewed by a qualified examiner appointed pursuant to this section, such person shall be deemed to have waived his right to a hearing on the petition, and the petition shall be dismissed upon motion filed by the commonwealth.

Approved June 3, 1987.

---

**Chapter 117. AN ACT INCREASING THE PENALTIES FOR VIOLATIONS OF SEWER USE REGULATIONS IN THE TOWN OF AMESBURY.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of section ten of chapter eighty-three of the General Laws or any other general or special law to the contrary, the town of Amesbury is hereby authorized to establish penalties of not less than three hundred nor more than two thousand, five hundred dollars for each violation of rules and regulations regarding the use of common sewers in said town.

Approved June 3, 1987.

---

**Chapter 118. AN ACT RELATIVE TO THE LICENSING OF DOGS.**

Be it enacted, etc., as follows:

Section 137 of chapter 140 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in lines 3 and 4, the word "three" and inserting in place thereof, in each instance, the following word:- six.

Approved June 3, 1987.

---

**Chapter 119. AN ACT RELATIVE TO SITTINGS OF DISTRICT COURT JUSTICES.**

Be it enacted, etc., as follows:

---

**ACTS, 1987. – Chap. 120.**

---

Section 43A of chapter 218 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following sentence:- He may authorize any justice or special justice to hold a session of any division at another division or elsewhere, in order to promote the speedy dispatch of the court's business.

Approved June 3, 1987.

---

**Chapter 120. AN ACT RELATIVE TO THE SELECTMEN-ADMINISTRATOR FORM OF GOVERNMENT FOR THE TOWN OF STONEHAM.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 5 of chapter 26 of the acts of 1981 is hereby amended by striking out, in lines 10 and 11, the words, "in a supervisory administrative position" and inserting in place thereof the following words:- as a governmental manager or in a private administrative management position.

**SECTION 2.** Section 6 of said chapter 26, is hereby amended by striking out, in lines 3 and 4, the words "or the filling of any vacancy".

**SECTION 3.** Said chapter 26 is hereby further amended by striking out section 7 and 8, and inserting in place thereof the following two sections:-

Section 7. The town administrator may designate by letter filed with the town clerk, an officer of the town to perform his duties during his temporary absence or temporary 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 temporary disability shall cease.

Section 8. The selectmen, by three concurring votes at a meeting of the board, may move for consideration of the removal of 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 his 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 administrator's 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 three-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 administrator from duty, said suspension should be treated as a temporary absence. The town administrator shall continue to receive his compensation until final adjudication as set forth above. Upon the adoption of a final resolution of removal the selectmen shall pay the administrator in the amount equal to one month's pay up to one full year of service to the town, an additional month for each additional full year of service to the town, but in no event more than an amount equal to three months' pay. However, if cause of removal is an act which constitutes criminal action all severance pay shall be withheld.

**SECTION 4.** Said chapter 26 is hereby further amended by striking out section 10, as amended by chapter 16 of the acts of 1983, and inserting in place thereof the following section:-

**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 and direct all departments, commissions, boards and offices except departments under elected officials, election officers, registrars of voters, and the finance and advisory board. Said supervision shall be consistent and in compliance with any state laws and regulations relative to the operation of such departments.

(b) The town administrator, 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) In carrying out the activities related to personnel, the town administrator shall be governed by all applicable aspects of the personnel by laws. In matters relating to hours and working conditions and related functions, those set out in the personnel by laws or those covered by collective bargaining shall not be deviated from by any official, except the town administrator, who shall have sole prerogative.

(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, employees appointed by him and all employees of elected bodies and shall do so in accordance with the wage and salary classification plan as approved at town meeting.

(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 a full report of all operations during the period being reported.

(g) The town administrator shall keep the selectmen fully advised as to the needs of the town. The town administrator 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 except land and buildings under control of the school committee, library trustees, and the conservation commission and shall be responsible for the maintenance and repair of all town buildings except land and buildings under control of the school committee, library trustees and conservation commission. He shall be responsible for the preparation of plans and supervision of work on existing buildings or the construction of new buildings as recommended by a vote of the town meeting.

(i) The town administrator shall be the awarding authority responsible for the purchase of all supplies and materials and equipment except purchases of the school committee and library trustees and shall approve the award of all contracts for all 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 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 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 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 administrator 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 a standard form.

(o) The town administrator shall attend all town meetings and shall be permitted to speak when recognized by the moderator.

**SECTION 5.** Said chapter 26 is hereby further amended by striking out sections 11, 12, 13, 14, 15 and 16 and inserting in place thereof the following six sections:-

Section 11. The town administrator shall have access to all town books and papers for information necessary for the proper performance of his duties unless expressly prohibited by law.

Section 12. The board of public works and the personnel board is hereby abolished. The town administrator shall succeed to all powers heretofore possessed by said boards.

Section 13. The town administrator shall appoint the town treasurer,

---

ACTS, 1987. - Chap. 120.

tax collector and all other town officials whose appointment or election is not specifically provided for herein. The town administrator 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. Any departments which are overseen by elected bodies, said elected bodies shall be the appointing authority for all personnel in their departments.

Section 14. After the acceptance of this act, the registered voters of the town of Stoneham 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. assessors
- g. library trustees
- h. representative to Northeast Metropolitan regional vocational school
- i. housing authority
- j. constables
- k. town clerk

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 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.

Section 15. At least ninety days prior to the annual town meeting (Article #2), the town administrator 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 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 purpose of enabling the town administrator to make up the annual estimates of expenditures, all boards, officers and committees of the town shall, at least one hundred twenty days prior to the annual town meeting (Article



---

**ACTS, 1987. - Chaps. 121, 122.**

#2) 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 years.

Section 16. The 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 (Article #2), the selectmen shall transmit a copy of the budget, together with the recommendations, to the finance and advisory board.

**SECTION 6.** Sections eighteen, nineteen, twenty and twenty-one of said chapter twenty-six are hereby repealed.

Approved June 3, 1987.

---

**Chapter 121. AN ACT AUTHORIZING THE CITY OF MARLBOROUGH TO CONVEY A CERTAIN PARCEL OF RECREATIONAL LAND.**

Be it enacted, etc., as follows:

The city of Marlborough is hereby authorized to sell and convey a certain parcel of land in said city, acquired for recreational purposes, to Louis Seymour for seventy-five thousand dollars. Said parcel is bounded and described as follows:-

A certain lot of land on the southeasterly side of Jefferson Street with buildings thereon bounded on the northerly side 91.27 feet by said Jefferson Street, a public way.

Bounded on the east by other land of Louis A. Seymour 142.155 feet.

Bounded on the south by land of the M.B.T.A. along a radius a distance of approximately 104.165 feet.

Bounded on the west by land of the Hudson and Jefferson Trust 151.355 feet. Containing 14,322 feet, being the same property shown in deed to Louis Seymour recorded in Middlesex South District Deeds Book 8464 Page 34. Said parcel shown on Plan entitled, "City of Marlborough Urban Self-Help Taking Acquisition Plan, Marlborough - Middlesex County, Massachusetts. Scale 1" = 20', Dated January 10, 1983, Plan No. 10,980.

Approved June 3, 1987.

---

**Chapter 122. AN ACT RELATIVE TO SUBDIVISION CONTROL LAW.**

Be it enacted, etc., as follows:

Section 81P of chapter 41 of the General Laws, as appearing in the

---

**ACTS, 1987. – Chaps. 123, 124, 125.**

1984 Official Edition, is hereby amended by striking out, in lines 13 and 21, the word "fourteen" and inserting in place thereof, in each instance, the word:- twenty-one.

Approved June 3, 1987.

---

**Chapter 123. AN ACT INCREASING THE PENALTIES FOR THE MANUFACTURE OR SALE OF ILLEGAL WEAPONS.**

Be it enacted, etc., as follows:

Section 12 of chapter 269 of the General Laws, as most recently amended by section 2 of chapter 581 of the acts of 1986, is hereby further amended by striking out, in line 17, the words "two hundred" and inserting in place thereof the following words:- one thousand.

Approved June 3, 1987.

---

**Chapter 124. AN ACT RELATIVE TO LARCENY OF DOGS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 30 of chapter 266 of the General Laws is hereby amended by striking out paragraph (2), as appearing in the 1984 Official Edition, and inserting in place thereof the following paragraph:-

(2) The term "property", as used in the section, shall include money, personal chattels, a bank note, bond, promissory note, bill of exchange or other bill, order or certificate, a book of accounts for or concerning money or goods due or to become due or to be delivered, a deed or writing containing a conveyance of land, any valuable contract in force, a receipt, release or defeasance, a writ, process, certificate of title or duplicate certificate issued under chapter one hundred and eighty-five, a public record, anything which is of the realty or is annexed thereto, a security deposit received pursuant to section fifteen B of chapter one hundred and eighty-six, electronically processed or stored data, either tangible or intangible, data while in transit and any domesticated animal, including dogs, or a beast or bird which is ordinarily kept in confinement.

**SECTION 2.** Section 47 of said chapter 266, as so appearing, is hereby amended by striking out the first sentence.

Approved June 3, 1987.

---

**Chapter 125. AN ACT AUTHORIZING THE CITY OF NEWTON TO ESTABLISH A SPECIAL ACCOUNT FOR THE NEWTON COMMUNITY SCHOOLS.**

---

**ACTS, 1987. – Chap. 126.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws, the city of Newton may establish in the city treasury a fund, which shall be known as the Newton community schools revolving account, which shall be kept separate and apart from all other monies by the treasurer of said city and in which shall be deposited all tuition payments and fees received from students enrolled in courses offered by the Newton community schools. The principal and interest thereon may be expended without further appropriation under the direction of the Newton community schools commission in such manner as said commission shall determine to be in the best interests of said community schools.

Approved June 3, 1987.

---

**Chapter 126. AN ACT REGULATING CERTIFIED CLINICAL SPECIALISTS IN PSYCHIATRIC AND MENTAL HEALTH NURSING.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 111 of the General Laws is hereby amended by inserting after section 51D, inserted by section 13 of chapter 574 of the acts of 1985, the following section:-

Section 51E. When considering and acting on applications of certified clinical specialists in psychiatric and mental health nursing for staff membership and clinical privileges, no by-law, rule, regulation or practice of a health care facility, regulated by chapter one hundred and eleven, shall prohibit a certified clinical specialist in psychiatric and mental health nursing from being granted clinical privileges and appointed to staff membership at such facilities, as defined in section twenty-five B that offer services that can be performed by certified clinical specialists in psychiatric and mental health nursing. Clinical privileges shall be determined on an individual basis and shall be commensurate with an applicant's education, training and experience as established herein. In implementing these criteria, said facility shall formulate and apply reasonable, nondiscriminatory standards for the evaluation of the credentials of a certified clinical specialist in psychiatric and mental health nursing. As part of its responsibility for the operation of such facility, the governing body, or designated persons so functioning, shall ensure that decisions on clinical privileges and staff membership are based on an objective evaluation of an applicant's credentials, free of anti-competitive intent or purpose. The credentials committee and other staff who evaluate and determine the qualifications of applicants for clinical privileges and staff membership shall include, whenever possible, certified clinical specialists in psychiatric and mental health nursing.

In determining the qualifications for staff membership or clinical privileges, the facility shall not consider the following factors in its deliberations:

- (1) an applicant's membership or lack of membership in a professional society or association;
- (2) an applicant's decision to advertise, reduce fees or engage in other competitive acts intended to generate business;
- (3) an applicant's participation in prepaid group health plans, salaried employment or any other manner of delivering health services on other than a fee-for-service basis;
- (4) an applicant's support for, training of or participation in a private group practice with members of a particular classification of health professional;
- (5) an applicant's willingness to testify in malpractice suits, disciplinary actions or other proceedings; and
- (6) an applicant's willingness to send a specified amount of patients or clients who are in need of the services of a facility to a particular facility; provided, however, that this last restriction shall not apply to public facilities or agencies.

Whenever a certified clinical specialist in psychiatric and mental health nursing submits a completed application for staff membership or clinical privileges to such facility, such facility shall have one hundred and twenty calendar days to grant or deny such application. Such facility shall not deny such application without providing the applicant with the same procedural rights as are provided to all physician applicants included, but not limited to, the following:

- (1) a contemporaneous written explanation containing the explicit reasons for denial of such application;
- (2) reasonable advance notice of the right to a fair hearing which would afford the applicant the opportunity to prepare an adequate rebuttal to the stated reasons for denial of such application;
- (3) a fair hearing, including the right to present evidence and to call witnesses on his behalf; and
- (4) a written decision containing the explicit reasons for taking the action including, but not limited to, any evidence upon which the decision was based.

Nothing in this section shall prohibit any certified clinical specialist in psychiatric and mental health nursing from working as a salaried employee or consultant in a health care facility. No classification of a health care facility by the department of public health or department of mental health, nor any other classification of said facility on quality or service or otherwise, by any person, body or agency of the commonwealth or any subdivision thereof, shall be affected by use of such facility by certified clinical specialists in psychiatric and mental health nursing; nor shall any such classification be affected by the subjection of the certified clinical specialist in psychiatric and mental health nursing to the rules and regulations of the organized professional staff. No classification of such health care facility by any agency of the commonwealth or any subdivision thereof, for the purposes of

---

**ACTS, 1987. - Chap. 127.**

ascertaining eligibility for compensation, reimbursement, or other benefit for treatment of patients, shall be affected by the use of such facility by certified clinical specialists in psychiatric and mental health nursing; nor shall any such classification be affected by the subjection of the certified clinical specialist in psychiatric and mental health nursing to the rules and regulations of the organized professional staff which govern the certified clinical specialist in psychiatric and mental health nursing's use of the facilities.

Notwithstanding any other provisions of this section, the exercise of privileges in such health care facility may be limited, restricted or revoked for reasons including, but not limited to, the violation of such health care facility's rules, regulations or procedures which are applied in good faith, in a nondiscriminatory manner, to all practitioners in such health care facilities exercising such privileges or entitled to exercise such privileges.

**SECTION 2.** Section 52 of said chapter 111, as appearing in the 1984 Official Edition, is hereby amended by inserting before the definition of "Hospital" the following definition:-

"Certified clinical specialist in psychiatric and mental health nursing", a registered nurse licensed under the provisions of section eighty B of chapter one hundred and twelve and authorized by the board of registration in nursing to practice as a certified clinical specialist in psychiatric and mental health nursing.

**SECTION 3.** Notwithstanding any other provision of this act, a health care facility shall require, at the time of admission of a patient of a certified clinical specialist in psychiatric and mental health nursing, that the chief of psychiatry, or his designee in such facility, in consultation with the certified clinical specialist in psychiatric and mental health nursing, shall designate a collaborating psychiatrist who agrees to serve as such, who has appropriate staff privileges and who will have the principal responsibility for the clinical care of such patient until such patient is discharged from such facility.

Approved June 3, 1987.

---

**Chapter 127. AN ACT MAKING APPROPRIATIONS TO FUND COLLECTIVE BARGAINING AGREEMENTS BETWEEN THE BOARD OF REGENTS OF HIGHER EDUCATION AND CERTAIN EMPLOYEE ORGANIZATIONS.**

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 agreements between the board of regents of higher education and the Service Employees

---

**ACTS, 1987. - Chap. 127.**

International Union, Local 254, for the clerical/technical unit at the University of Lowell; the Massachusetts Society of Professors, Faculty Staff Union/MTA/NEA at the University of Massachusetts, Amherst and Boston campuses; the International Brotherhood of Police Officers, Locals 399 and 631, for the campus police units at Southeastern Massachusetts University and the University of Lowell, respectively; and the National Association of Government Employees, Locals R1-245 and R1-233, for the maintenance units at Southeastern Massachusetts University and the University of Lowell, respectively, 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**

1599-3613 For a reserve to meet the cost of salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the board of regents of higher education and the Service Employees International Union, Local 254, for the clerical/technical unit at the University of Lowell, 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 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

---

ACTS, 1987. - Chap. 127.

on ways and means prior to the transfer or allocation of any amounts necessary to meet the cost of said adjustments and benefits; provided, further, that no transfers shall be made as authorized herein without the prior notification of the house and senate committees on ways and means; and provided, further, that the secretary of administration and finance should implement said salary adjustments and benefits within sixty days of the effective date of this act \$278,056

1599-3614 For a reserve to meet the cost of salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the board of regents of higher education and the Massachusetts Society of Professors, Faculty Staff Union/MTA/NEA at the University of Massachusetts, Amherst and Boston campuses, 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 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; provided, further, that no transfers shall be made as authorized herein without the prior notification of the

---

ACTS, 1987. - Chap. 127.

house and senate committees on ways and means; and provided, further, that the secretary of administration and finance should implement said salary adjustments and benefits within sixty days of the effective date of this act \$5,652,965

1599-3615 For a reserve to meet the cost of salary adjustments and other employee economic benefits authorized by the collective bargaining agreements between the board of regents of higher education and the International Brotherhood of Police Officers, Locals 399 and 631, for the campus police units at Southeastern Massachusetts University and the University of Lowell, respectively, 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 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; provided, further, that no transfers shall be made as authorized herein without the prior notification of the house and senate committees on ways and means; and provided, further, that the secretary of administration and finance should implement said salary adjustments and benefits within sixty days of the effective date of this act

91,303



---

**ACTS, 1987. - Chap. 128.**

1599-3616 For a reserve to meet the cost of salary adjustments and other employee economic benefits authorized by the collective bargaining agreements between the board of regents of higher education and the National Association of Government Employees, Locals R1-245 and R1-233, for the maintenance units at Southeastern Massachusetts University and the University of Lowell, respectively, 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 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; provided, further, that no transfers shall be made as authorized herein without the prior notification of the house and senate committees on ways and means; and provided, further, that the secretary of administration and finance should implement said salary adjustments and benefits within sixty days of the effective date of this act

\$379,186

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

Approved June 6, 1987.

---

**Chapter 128. AN ACT AUTHORIZING THE STATE SECRETARY TO**

---

**ACTS, 1987. - Chaps. 129, 130.**

**ADOPT REGULATIONS CONCERNING CERTIFICATION OF NOMINATION PAPERS AND PETITIONS.**

Be it enacted, etc., as follows:

Section 7 of chapter 53 of the General Laws, as most recently amended by section 15 of chapter 477 of the acts of 1985, is hereby further amended by adding the following paragraph:-

The state secretary shall promulgate regulations designed to achieve and maintain accuracy, uniformity, and security from forgery and fraud in the procedures for certifying nomination papers and petitions for ballot questions and names thereon pursuant to this section, and to ensure proper delivery of certified nomination papers and petitions by registrars to the person or organization who submitted such papers or petitions.

Approved June 10, 1987.

---

**Chapter 129. AN ACT DESIGNATING THE NEW ENGLAND NEPTUNE AS THE SHELL OF THE COMMONWEALTH.**

Be it enacted, etc., as follows:

Chapter 2 of the General Laws is hereby amended by adding after section 28, added by chapter 54 of the acts of 1986, the following section:-

Section 29. The New England neptune (*neptunea lyrata decemcostata*) shall be the shell of the commonwealth.

Approved June 10, 1987.

---

**Chapter 130. AN ACT FURTHER REGULATING THE GOVERNMENT LAND BANK.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 212 of the acts of 1975 is hereby amended by striking out section 1, as most recently amended by section 2 of chapter 762 of the acts of 1979, and inserting in place thereof the following section:-

Section 1. It is hereby found that there exists underutilized property owned by the commonwealth or the federal government which property is surplus to current and projected governmental need; that such surplus property is a significant resource which if returned to productive economic use, would contribute to the provision of gainful employment, increased revenue for the commonwealth and municipalities, and a more stable economy; and that the acquisition, development or disposition of

such property in accordance with redevelopment plans and by providing loans for the redevelopment of such property and the construction, rehabilitation, demolition and maintenance of buildings thereon are valid public purposes.

It is hereby further found that decadent, substandard, or blighted open areas exist in the commonwealth; that each such area constitutes a serious and growing menace, injurious and inimical to the safety, health, morals and welfare of the residents of the commonwealth; that such area constitutes an economic liability, substantially impairs or arrests the sound growth of municipalities, and retards the economic well being of the commonwealth; that each decreases the value of private investments and threatens the sources of public revenue; that redevelopment of each such area for the elimination of substandard conditions and the prevention of their recurrence is necessary to retain existing industries, attract new industries, and promote the sound economic growth of the commonwealth; that the menace of such decadent or blighted open areas is beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aid herein provided; that unemployment and under-employment have been caused in part by industrial and manufacturing companies moving from the commonwealth; that many existing industrial and manufacturing facilities within the commonwealth are obsolete and inefficient; that such facilities are underutilized or vacated, thereby creating additional unemployment; that such obsolescence and abandonment of existing facilities are causing injury to the economy of the commonwealth and its municipalities; that the manufacturing and industrial sector of the economy provides one of the best immediate opportunities for better jobs at higher wages for inhabitants of the commonwealth and that new industrial and manufacturing sites are required to attract and house new industries and to retain existing industries in need of expansion space; that unaided, private enterprise will not be able to develop such decadent, substandard, or blighted open areas due to problems encountered in the assembly of suitable building sites, the provision of adequate public services, the unavailability of sufficient private capital for development and the inability of private enterprise alone to plan, finance and coordinate economic development projects; that in many areas of the commonwealth, municipalities want and need to revitalize their economic job base, but due to the size and cost of development are unable to do so; that the continuing increase in the cost of assembling land available for development particularly in substandard, decadent, or blighted areas of the commonwealth substantially impairs the ability of the commonwealth and cities and towns of the commonwealth to stimulate economic and industrial growth in order to produce gainful employment; that the acquisition, development or disposition of such areas in accordance with redevelopment plans and by providing loans for the redevelopment of such areas and the construction, rehabilitation, demolition and maintenance of buildings therein for the purpose of eliminating decadent, substandard or blighted open conditions and

preventing the recurrence of such conditions in such areas are valid public uses and purposes for which public money may be expended.

It is the purpose of the government land bank established by this act to aid private enterprise or public agencies in the speedy and orderly conversion and redevelopment of certain lands formerly used for military activities to nonmilitary uses, including industrial, commercial, and residential uses, and in the development and redevelopment of substandard, blighted or decadent areas and of surplus government property through the acquisition, development or disposition of such areas or of surplus government property, all in accordance with redevelopment plans, and by providing for loans for the redevelopment of such areas and property, to stimulate economic development including industrial, commercial and residential uses, in order to prevent blight, economic dislocation, and additional unemployment or to aid private enterprise in the construction and rehabilitation upon and within such areas and property of decent, safe, and sanitary housing available to persons of low and moderate income in order to alleviate the shortage of such housing.

**SECTION 2.** The second paragraph of section 2 of said chapter 212, as amended by section 2A of said chapter 762, is hereby further amended by inserting after the word "planning", in line 8, the words:– , one of whom shall be experienced in commercial real estate lending.

**SECTION 3.** The third paragraph of said section 2 of said chapter 212 is hereby amended by striking out, in line 2, the word "annually" and inserting in place thereof the words:– from time to time.

**SECTION 4.** Section three of said chapter two hundred and twelve is hereby repealed.

**SECTION 5.** Section 4 of said chapter 212 is hereby amended by striking out clause (e), as most recently amended by section 5 of chapter 762 of the acts of 1979, and inserting in place thereof the following clause:–

(e) enter into agreements or other transactions with any person, including without limitation, any governmental instrumentalities or agencies in connection with any of its powers or duties hereunder, including without limitation, those set forth in clauses (j), (m) and (g) and any governmental agency hereby authorized to enter into any such agreements or transactions with the bank.

**SECTION 6.** Said section 4 of said chapter 212 is hereby further amended by striking out clause (h) and inserting in place thereof the following clause:–

(h) procure insurance against any loss in connection with its property or activities undertaken hereunder in such amounts and from such insurers as it deems necessary or desirable.

**SECTION 7.** Said section 4 of said chapter 212 is hereby further amended by striking out clauses (j) to (m), inclusive, and inserting in place thereof the following nine clauses:-

(j) borrow money by the issuance of debt obligations whether tax exempt or taxable and secure such obligations by the pledge of its revenues or of the revenues, mortgages, and notes of others, provided, however, that the bank shall not issue debt obligations the principal amount of which, when added to the principal amount of debt obligations issued by the bank, excluding debt obligations previously refunded or being or to be refunded thereby, shall exceed forty million dollars.

(k) take possession and manage on behalf of the commonwealth or acquire on its own behalf lands, improvements thereon, and related personal property, hereinafter called lands, or an interest therein, (1) from the United States, which lands, or interests therein, were used for Westover Air Force Base, the Chelsea Naval Hospital, or the Boston Naval Shipyard, including the South Boston Annex, the Boston Army Base and all other lands owned by the United States and used in connection with or for purposes related to the operations of the Boston Naval Shipyard or the Boston Army Base, subject to such restrictions as may be imposed on such acquisition by the United States, and including, without limitation any other property of the United States lying within the commonwealth and declared surplus by the United States, subject to such restrictions as may be imposed on such acquisition by the United States, hereinafter called federal surplus lands; (2) from the commonwealth any lands which have been determined to be surplus to direct public uses by the commonwealth or by public agencies, hereinafter called state surplus lands; and (3) lands declared decadent, substandard or blighted open areas by the bank, hereinafter called blighted lands;

(l) engage accountants, architects, attorneys, engineers, planners, real estate experts and other consultants as may be necessary in its judgment to carry out the purposes of this act and fix their compensation;

(m) take any actions necessary or convenient to the exercise of any power or the discharge of any duty provided for by this act;

(n) clear and improve property acquired or held by it and engage in or contract for the construction, reconstruction, demolition, development, redevelopment, rehabilitation, remodeling, alteration or repair thereof;

(o) prior or subsequent to taking possession of or acquiring such lands hold, protect, maintain, repair, improve and use such lands, or any interest therein, as it deems necessary or desirable to facilitate acquisition, disposition, development or redevelopment of such lands, or any interest therein;

(p) dispose of such lands, or any interest therein, by sale, lease or otherwise as provided by this act;

(g) make and administer loans of its funds to persons, including without limitation governmental agencies and instrumentalities, for the acquisition, development or redevelopment of lands described in clause (k) and for the construction, rehabilitation, improvement, demolition or maintenance of buildings thereon, on such terms as the bank may determine to be necessary and consistent with the provisions of this act;

(r) make or administer loans of funds of other public entities for purposes not inconsistent with the purposes of this act.

**SECTION 8.** Section 5 of said chapter 212, as most recently amended by section 9 of chapter 762 of the acts of 1979, is hereby further amended by striking out the third paragraph.

**SECTION 9.** Said chapter 212 is hereby further amended by striking out section 6, as most recently amended by section 11 of said chapter 762, and inserting in place thereof the following two sections:–

Section 6. The bank may take possession of or acquire blighted lands or an interest therein or make loans for the redevelopment of blighted lands only after a public hearing and a determination by the bank that such lands are decadent, substandard or blighted open areas.

The bank may dispose of federal surplus or blighted lands or an interest therein only after approval of a redevelopment plan for such lands by the board of directors of the bank, which approval shall not occur until a public hearing is held on said redevelopment plan and provided such lands shall be developed or redeveloped in accordance with said redevelopment plan. The bank shall not approve a redevelopment plan for such lands within one year of the acquisition or possession by the bank of such lands or an interest therein unless the city council, board of aldermen or board of selectmen of the municipality or municipalities in which the lands lie have approved said redevelopment plan. The bank may extend the one year period by petition of any municipality wherein the lands are located.

The bank may take possession of or acquire state surplus lands or an interest therein only after approval of a redevelopment plan for such lands by the board of directors of the bank, the city council, board of aldermen or board of selectmen of the municipality or municipalities in which the lands lie, and the deputy commissioner of capital planning and operations, which approvals shall not occur until a public hearing is held on said redevelopment plan. Such lands shall be developed or redeveloped in accordance with said redevelopment plan and if a formal competitive process will not be the method utilized for the disposition of such lands or interests to a private person or entity, the bank shall disclose the reasons therefore in the central register published by the secretary of state prior to such disposition.

The bank shall, in accordance with section three of chapter thirty A of the General Laws, establish general rules and regulations governing the evaluation and selection criteria for development proposals for all state surplus lands acquired by it, prior to the acquisition of any state surplus lands by the bank.

No redevelopment plan shall be approved by the bank unless the bank finds that such plan provides for redevelopment of the lands, in whole or in part, substantially for industrial, commercial or residential uses which will prevent or eliminate blight, economic dislocation or unemployment, or for the construction or rehabilitation upon the lands of decent, safe and sanitary housing, at least twenty-five per cent of which shall be made

available to persons of low and moderate income, or for such other public purposes as the bank may determine are generally consistent with the provisions of this act; that such plan is consistent with the sound needs of the locality as a whole, with particular regard to the prevention of blight, economic dislocation and unemployment or the alleviation of the shortage of such housing; that such plan is financially sound; and that such plan meets such other requirements as the bank may by regulation establish.

No redevelopment plan shall be materially amended unless the public hearing and approval procedures as specified in this section for redevelopment plans are complied with prior to any such amendment.

Redevelopment plans shall contain a general description of the lands and of the purposes for which the lands will be developed or redeveloped, the anticipated financing sources for said development or redevelopment and the role of the bank in and the anticipated public benefits and public subsidies that will result from the development or redevelopment of such lands. If a redevelopment plan is for state surplus lands, said plan shall also contain a description of (a) any reuse restrictions imposed by the general court or the deputy commissioner of capital planning and operations and how said restrictions will be enforced by the bank; and (b) the disposition process to be utilized for such lands.

Any required public hearings need not be adjudicatory hearings as provided by chapter thirty A of the General Laws. Notice for said public hearings must be published in a daily newspaper of general circulation in the area in which the land is located at least seven days prior to said hearings and the requirements of sections eleven A and eleven B of said chapter thirty A shall be met. At least seven days prior to public hearings on redevelopment plans, said plans shall be available for public review at the offices of the bank.

Section 6A. Any disposition of lands, or an interest therein, by the bank may be made in such manner whether by sale, lease or otherwise, by parcels which are the same as or different from those by which they were acquired or taken possession of by the bank, and for such price, rental or other consideration payable over such term, and bearing interest as to deferred payments and secured in such manner, by mortgage or otherwise, all as the bank may determine to be desirable and consistent with any applicable provisions of any applicable redevelopment plan.

Prior to the disposition of state surplus lands or an interest therein to a natural person or entity, the bank shall undertake an independent determination of the value of such lands through procedures customarily accepted by the appraising profession as valid for determining property value. If such disposition is for consideration which is less than such value, the bank shall, prior to such disposition, disclose in the central register published by the secretary of state the difference between the value of such parcel and disposition price of such parcel and by notice to the house and senate committees on ways and means.

The bank may, in accordance with the provisions of section two of chapter thirty A of the General Laws, adopt such rules and regulations as

it may deem desirable for the exercise of its powers and the discharge of its duties as provided in this section.

**SECTION 10.** Said chapter 212 is hereby further amended by striking out section 7, as most recently amended by chapter 471 of the acts of 1984, and inserting in place thereof the following two sections:-

**Section 7.** There shall be established and set up on the books of the commonwealth a separate fund, to be known as the Government Land Bank Fund. There shall be credited to said fund the following:

(a) after deducting the administrative expenses of the bank, all principal and interest received by the bank under a mortgage financed by the proceeds of an industrial development bond or note as such term, or a successor term of comparable import, is defined by the Internal Revenue Code of 1954, issued by the commonwealth on behalf or for the purposes of the bank;

(b) monies transferred from the reserves of the bank pursuant to a vote of the board of directors of the bank;

(c) all monies transferred pursuant to an authorization by the general court, except for amounts which may be transferred pursuant to section eight B.

Revenue credited to the Government Land Bank Fund shall be used for debt service on bonds and notes issued by the commonwealth on behalf of the land bank, or, upon appropriation by the general court.

The comptroller of the commonwealth shall quarterly file a report with the house and senate committees on ways and means and the commissioner of administration detailing the balance of the fund.

The proceeds of an industrial development bond as such a term, or a successor term of comparable import, is defined by the Internal Revenue Code of 1954 issued after September first, nineteen hundred and eighty-two shall not be used to reduce any deficit existing in said Fund.

**Section 7A.** The bank may make loans as provided in clause (g) of section four only upon the approval by the bank of a loan application containing the following information:

(a) identification of the borrower;

(b) a description of the project including a financing plan;

(c) a description of how the loan will be secured; and

(d) a description of the public benefits to be derived from the project.

No such loan application shall be approved by the bank unless the bank finds that the project represented in such application provides for the acquisition, development or redevelopment of the lands, in whole or in part, or the construction, rehabilitation, demolition or maintenance of the buildings thereon, substantially for industrial, commercial or residential uses which will prevent or eliminate blight, economic dislocation or unemployment, or for the construction or rehabilitation upon such lands of decent, safe and sanitary housing, at least twenty-five per cent of which will be made available to persons of low and moderate income, or for such other public purposes as the bank may determine are generally consistent with the provisions of this act; that such project is consistent with the sound needs of the locality as a whole,



with particular regard to the prevention of blight, economic dislocation and unemployment or the alleviation of the shortage of such housing; that such project is financially sound; and that such project meets such other requirements as the bank may by regulation establish.

**SECTION 11.** Said chapter 212 is hereby further amended by inserting after section 8A the following section:–

**Section 8B.** The state treasurer acting on behalf of the commonwealth shall enter into an agreement with the bank providing that the commonwealth shall provide contract assistance for debt service obligations of the bank in the maximum amount of six million dollars per fiscal year of the commonwealth for a period of seven such fiscal years. Such contract assistance agreement shall provide for the payment by the commonwealth of the debt service obligations of the bank at such time during each such fiscal year and upon such terms and under such conditions as the bank may stipulate. The bank may pledge such agreement and the rights of the bank to receive amounts thereunder as security for the payment of debt obligations issued by the bank. Such agreement shall constitute a general obligation of the commonwealth for which the faith and credit of the commonwealth shall be pledged for the benefit of the bank and of the holders of any debt obligations of the bank which may be secured by a pledge of such agreement or of amounts to be received by the bank under such agreement.

Amounts received by the bank from debt obligations issued pursuant to this act shall be used for the purposes of acquisition, holding, protection, maintenance, repair, management, development, improvement or use of lands, for making loans as herein provided or for provision of personnel and administrative costs of the bank as provided by this act.

**SECTION 12.** Section nine of said chapter two hundred and twelve is hereby repealed.

**SECTION 13.** Said chapter 212 is hereby further amended by striking out section 10, as amended by section 3 of chapter 461 of the acts of 1975, and inserting in place thereof the following section:–

**Section 10.** The bank shall keep accurate accounts of all receipts and expenditures of the Government Land Bank Fund; and shall make a report annually containing an abstract of such accounts and detailed information on all receipts and expenditures, including prices paid for lands purchased, the terms upon which loans were made, and such other detailed information as provided in section fourteen. Except as otherwise provided by this act, the bank shall have full power to exercise care of its property and management of its loans, business and affairs, and to sell and convey any lands as provided by this act, by deed or other instrument sealed with its corporate seal, signed and acknowledged by a majority of the board of directors or in like manner to authorize such sale and conveyance by any of its officers or agents.

**SECTION 14.** Said chapter 212 is hereby further amended by inserting after section 15 the following section:-

**Section 15A.** As used in this section the words "building project" shall mean a project undertaken for the design, construction, installation, repair or maintenance of building and appurtenant structures, facilities and utilities directly by the bank including initial equipment and furnishings thereof, but not including appurtenant buildings or structures which are required to be constructed as integral parts of the development of sewer, water and highway systems, or the design, construction, installation, repair or maintenance of any building financed in whole or in part through loans or through the purchase and sale of such building by the bank pursuant to this act.

The bank shall not enter into any contract nor incur any other obligation for the design of a building project unless the design work can be accomplished (a) within any applicable appropriation or authorization for the project or within the project cost limits specified by any applicable appropriation or authorization and (b) without substantial deviation from any (i) study or program which must be prepared in accordance with this section or (ii) any other pre-design document which must be prepared in accordance with any other statute, appropriation or authorization or administrative directive consistent therewith, and unless the executive director of the bank certifies in writing that such project complies with the provisions of this section. In no event shall the design work be such as would result in a change in the number of square feet to be constructed in the project of more than ten per cent from the number specified in the study, program or other pre-design document referred to in subclauses (i) and (ii) of clause (b).

The bank shall not enter into any contract nor incur any other obligation for the construction of a building project unless the construction work can be accomplished (a) within any applicable appropriation or authorization for the project and (b) without substantial deviation from (i) any study or program which must be prepared in accordance with this section or (ii) any other pre-design document which must be prepared in accordance with any other statute, appropriation or authorization or administrative directive consistent therewith and unless the executive director of the bank certifies in writing that such project complies with the provisions of this section. In no event shall the construction work be such as would result in a change in the number of square feet to be constructed in the project of more than ten per cent from the number specified in the study, program or other pre-design document referred to in said subclauses (i) and (ii).

Every building project undertaken by the bank shall be deemed to require the satisfactory completion of a study or program as set forth in section thirty-nine A of chapter seven of the General Laws before any services for the design or construction of such project may be contracted for, performed by contract or otherwise, or funds allotted, encumbered or expended therefor.

No provider of design services for any building project undertaken by the bank shall be selected by the designer selection board or by the bank

and no design services shall be performed for or by the bank for any building project for which the satisfactory completion of a study or program is required prior to the design or construction of that project, unless and until: (a) said study, program, or where appropriate, both have been satisfactorily completed; (b) the bank certifies in writing to the deputy commissioner of capital planning and operations that the study, program, or where appropriate, both, correspond to the current needs of the bank including its current long term capital facilities development plan; (c) said deputy commissioner requests that one or more of the directors of the office of programming, office of project management, or office of facilities management review the study or program, or where appropriate, both and the director or directors certify in writing to said deputy commissioner that the study, program, or where appropriate, both reflect the bank's needs as stated, that they provide an accurate estimate of the project requirements, cost and schedule, that the project can be accomplished within any applicable appropriation or authorization for that project, and recommends proceeding with design, construction, or where appropriate, both; and (d) the deputy commissioner of capital planning and operations certifies in writing to the commissioner of administration that the study, program, or where appropriate, both have been satisfactorily completed in accordance with this section and approves proceeding with design, construction, or where appropriate, both.

If either the director or directors whose review is requested or the deputy commissioner of capital planning and operations should fail to so certify, recommend, or approve, said deputy commissioner shall forthwith send notice of his decision and the reasons therefor to the commissioner of administration and to the house and senate committees on ways and means.

**SECTION 15.** Section sixteen of said chapter two hundred and twelve is hereby repealed.

**SECTION 16.** Said chapter 212 is hereby further amended by striking out section 19 and inserting in place thereof the following section:-

**Section 19.** This act shall expire on July first, nineteen hundred and ninety-four.

Approved June 10, 1987.

EMERGENCY LETTER: June 23, 1987 @ 12:21 P.M.

---

**Chapter 131.** AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 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:

---

ACTS, 1987. - Chap. 131.

**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.**

**JUDICIARY.**

Committee for Public Counsel Service.

Item

0321-1500 For the committee for public counsel services as authorized by chapter two hundred and eleven D of the General Laws; provided, however, 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; 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, 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; 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 increases are appropriated by the general court; provided further, that not less than two million ninety-six thousand seven hundred and two dollars shall be obligated for counsel to indigents and not less than five hundred and fifty thousand dollars shall be obligated for the payment of indigent court costs; and provided further, that not

---

ACTS, 1987. - Chap. 131.

less than ten thousand four hundred and eighty-seven dollars shall be obligated to the Roxbury defenders committee for the payment of rental fees, including not more than one hundred and ninety-six positions, prior appropriation continued \$3,446,053

Trial Court.

0330-2500	For clerical assistance for the divisions of the trial court, including not more than ten positions	\$20,000
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	\$500,000
0330-3600	For a reserve of new court positions; provided, however that said positions shall be allocated among the various court divisions and administrative offices by the chief administrative justice; and 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	\$50,000
0332-7700	Second district court of southern Worcester (Uxbridge), including not more than fourteen positions	\$14,209

EXECUTIVE.

Lieutenant Governor.

0412-1000	For the salary of the lieutenant governor and for personal services for the lieutenant governor's office	\$87,000
-----------	--	----------

TREASURER AND RECEIVER-GENERAL.

0611-5500	For additional assistance to cities and towns, to be distributed under the provisions of section three; 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	
-----------	--	--

---

**ACTS, 1987. – Chap. 131.**

forty-four of the General Laws which shall  
include the amount in the municipality's  
overlay reserve and stabilization fund or  
funds, if any \$59,981,000  
Local Aid Fund 100.0%

**DEPARTMENT OF THE ATTORNEY GENERAL.**

0810-0015 For administration and expenses of a division to  
pursue litigation related to the opening of the  
nuclear power plant located in Seabrook,  
state of New Hampshire \$420,773

**EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.**

Bureau of State Buildings.

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 \$1,308,284

Bureau of Teachers' Retirement.

1111-1003 For the payment of the commonwealth's share in  
financing the teachers' retirement system;  
provided, however, 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' retire-  
ment system, prior appropriation continued \$12,026,210  
Local Aid Fund 100.0%

Group Insurance Commission.

1120-2000 For the commonwealth's share of the group  
insurance premium; provided, however, 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 chapter 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 of 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

---

ACTS, 1987. - Chap. 131.

its share of group insurance premiums for the  
next fiscal year \$8,500,000

George Fingold Library.

1120-4005 For the administration of the library; provided,  
however, that not less than two hundred  
thousand dollars be obligated for the  
purchase of books, periodicals, and micro-  
films to maintain a current government  
research library collection, including not  
more than twenty-six positions \$20,000

Division of Public Employee Retirement Administration.

1140-0200 For the purpose of workers' compensation paid to  
public employees, including previous fiscal  
years \$8,122,970  
Highway Fund 35.0%  
General Fund 65.0%

Miscellaneous.

1599-0104 For a reserve to meet the commonwealth's share  
of the federal medicare contributions for  
covered state employees \$2,250,000  
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, however, that the  
commissioner of administration is hereby  
authorized to advance to the county  
treasurer of each county the sum 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-three thousand five hundred and three  
dollars; Dukes, fifty-eight thousand seven  
hundred and forty dollars; Essex, three  
hundred sixty-six 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 sixty-three



thousand two hundred and six dollars; Middlesex, five hundred ninety-four thousand five hundred and eighteen dollars; Norfolk, three hundred seventy-five thousand nine hundred and fifty-one dollars; Plymouth, three hundred seventy-one thousand nine hundred and ninety-four dollars; Suffolk, three hundred seventy-eight thousand nine hundred and sixty-two 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 appropriated herein and that any unexpended balance of such fund as of June thirtieth, nineteen hundred and eighty-seven, shall be returned to the commonwealth

Local Aid Fund 100.0%

\$234,896

1599-3325 For

a reserve to meet the 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, however, 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 where the amounts otherwise available are insufficient for the purpose such amounts as are necessary to meet the cost for fiscal years nineteen hundred and eighty-six and nineteen hundred and eighty-seven of said adjustments; provided further, that said secretary is authorized to allocate the cost of such adjustments to the several state or other funds to which such items of appropriation are charged; and provided further, that no

---

ACTS, 1987. - Chap. 131.

transfers shall be made as authorized herein  
without prior notification of the house and  
senate committees on ways and means, prior  
appropriation continued \$8,000,000

**EXECUTIVE OFFICE OF HUMAN SERVICES.**

Office of the Secretary.

- 4000-0700 For the administration of the office of state health planning; provided, however, 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 nineteen hundred and seventy-eight, 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; and, provided further, that the office of state health planning shall reserve funds for nursing homes in receivership, including not more than three positions \$172,536
- 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, however, 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 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 further, that said office may recover commonwealth funds where appropriate and upon recovery shall deposit

---

**ACTS, 1987. - Chap. 131.**

said funds in the General Fund; 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; and, provided further however, that up to thirty thousand dollars may be expended for the purpose of providing auditing and accounting services in emergency receiverships, including not more than thirty-two positions.

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, however, 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

\$2,949,785

**DEPARTMENT OF PUBLIC WELFARE.**

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, however, that services are provided to current or former recipients upon their

---

ACTS, 1987. - Chap. 131.

	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 ap- propriation	\$5,700,000
4402-5020 For	inpatient hospital care	\$48,000,000
4407-1011 For	the purpose of meeting the commonwealth's share of reimbursing eligible individuals and families for eligible costs as approved by the federal emergency management agency, incurred as a result of the heavy rainstorms and flooding occurring during the period of April second through April ninth, nineteen hundred and eighty-seven	\$60,000
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	\$1,900,000
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 per cent 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; 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; and provided further, that not less than two hundred and sixty-three thousand two hundred and twenty-eight dollars shall be obligated for alcoholism providers that were excluded from cost of living allowances for fiscal years nineteen hundred and eighty-six and eighty-seven, including not more than twenty-nine positions

\$263,228

#### DEPARTMENT OF PUBLIC HEALTH.

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, however, 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

---

**ACTS, 1987. - Chap. 131.**

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 \$4,100,000

4513-1008 For a grant program to support an evaluation of the Healthy Start program, provided however, that the results of such evaluation shall be reported to the house and senate committees on ways and means within ninety days of the effective date of this act; provided further, that this appropriation shall not expire until June thirtieth, nineteen hundred and eighty-eight \$60,000

**DEPARTMENT OF SOCIAL SERVICES.**

4800-0010 For the central administration and maintenance of a program of social services; provided, however, 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, notwithstanding the provisions of section eighteen of chapter two hundred and six of the acts of nineteen hundred and eighty-six, up to four hundred and thirty-two thousand one hundred and ninety-four dollars of SSI and SSA cash

---

**ACTS, 1987. - Chap. 131.**

benefits received by the department on behalf of children in its care may be expended for the compensation of employees; 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 for contracts; and, 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.

4800-0070 For a program of respite care for the developmentally disabled, provided, however, 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; and, 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 \$300,000

**DEPARTMENT OF MENTAL HEALTH.**

5046-0000 For mental residential services for the South Norfolk Area, provided that not less than one hundred thousand dollars be obligated for a program of residential services for mental Adult Clients \$100,000

5048-0000 For mental retardation services; provided, however, that not less than nineteen million three hundred eighty-seven thousand four hundred and sixty dollars be available 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; 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 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; provided further, that the department shall submit a plan to the house and senate committees on ways and means for the conversion of two hundred and fifty-one service coordinators; and, provided further, said plan shall be subject to the approval of the house and senate committees on ways and means, including not more than five hundred and forty-three positions \$1,366,698

**EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.  
DEPARTMENT OF PUBLIC WORKS.**

Maintenance and Operation of State Highways and Bridges.

6010-0001 For personal services of the department; provided, however, 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 \$1,100,000  
Highway Fund 100.0%



---

**ACTS, 1987. - Chap. 131.**

- 6030-7201 For the expenses of snow and ice control; provided, however, 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 \$6,125,417  
Highway Fund 100.0%
- 6034-0019 To meet the cost of damages resulting from the rainstorms for floods of July twenty-ninth, August eighth, and August eighteenth, nineteen hundred and eighty-six in certain cities and towns in western Massachusetts, for repairs to highways and bridges deemed necessary due to said storms and flooding; provided, however, that all such repairs shall be subject to schedules approved by the secretary of transportation and construction \$2,300,000  
Local Aid Fund 100.0%

**DEPARTMENT OF EDUCATION.**

- 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, however, 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 approval of 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

---

ACTS, 1987. - Chap. 131.

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 \$1,900,000  
Local Aid Fund 100.0%

7061-3000 For 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, however, 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; and, provided further 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 \$1,320,000  
Local Aid Fund 100.0%

BOARD OF REGENTS.

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, including  
senatorial honor scholarships, a statewide  
program in consortium scholarships, the state

---

**ACTS, 1987. - Chap. 131.**

scholarship program, the Carl J. Gilbert Matching Scholarship grant program, the Massachusetts graduate scholarship grant program, the Massachusetts adult learners program, the Massachusetts low interest student loan program, the commonwealth scholars program, the Massachusetts teacher incentive program, and a scholarship program for needy Massachusetts part-time undergraduate students; provided, that not less than three hundred thousand dollars shall be obligated to master of science degrees in nursing at non-public institutions of higher learning located within the commonwealth; provided further that no recipient of a grant under any of the foregoing scholarship programs shall receive a grant for a cash amount less than the previous year solely because of the implementation of indexing; and 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-eight \$84,000,000

**EXECUTIVE OFFICE OF PUBLIC SAFETY.**

Division of State Police.

8312-0105 For overtime costs associated with the position of any state police officer authorized by item of appropriation 8312-1000 and assigned to duty with various offices of district attorneys of the commonwealth \$658,654

Civil Defense Agency.

8800-0001 For the service of the civil defense agency; provided, however, that expenditure from this item shall be contingent upon the prior approval of the proper federal authorities, including not more than forty positions \$59,000

8800-0015 For the purpose of meeting the commonwealth's share of disaster relief relating to the damage caused by the severe rainstorms and flooding occurring during the period April 2,

---

ACTS, 1987. - Chap. 131.

1987 through April 9, 1987; provided, that the commonwealth's share of assistance to eligible counties, cities and towns, shall be limited to amounts established in a Federal Disaster Assistance Agreement for this purpose, between the commonwealth and the Federal Emergency Management Agency; provided however, that in case where the city or town's share of disaster relief exceeds five per cent of said city or town's fiscal year nineteen hundred and eighty-seven operating budget the commonwealth shall assume all eligible costs in excess of said five per cent

	\$1,000,000
Local Aid Fund	100.0%

**EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.**

Office of the Secretary.

9000-1700 For the expenses of the reemployment assistance program as specified in section seventy-one D of chapter one hundred fifty-one A of the General Laws; provided, however, that the executive office of economic affairs shall submit to the house and senate committees on ways and means beginning on April first, nineteen hundred and eighty-seven monthly reports itemizing by individual company the following: program expenditures, number of persons served, worker profile, the services provided, the number of program personnel involved in providing services including the job title and annual salary of each such person, the average cost per client for each service provided, the amount of funds received from the federal government, all other funds received including the name of each contributor and the amount of each contribution

	\$1,700,000
--	-------------

Division of Employment Security.

9081-0350 For the administration of the division of employment security

	\$7,500,000
--	-------------

Department of Commerce and Development.

9091-0100 For the administration of the department; provided, however, 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, inclusive, of chapter twenty-three A of the General Laws, including not more than sixty-five positions \$55,000

**EXECUTIVE OFFICE OF ELDER AFFAIRS.**

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, however, 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 the 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; 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; provided further, that any federal funds received from the federal government for the purposes of this item shall be credited to the General Fund; and provided further, that certain prior year obligations not exceeding fifty-seven thousand nine hundred and eighty-seven dollars shall be allowed and paid from this item

\$5,300,000

9110-1900 For programs providing local services to the elderly including volunteer programs for the elderly; provided, however 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; provided further, that not less than sixty-two thousand dollars shall be expended for the retired senior volunteer program;

---

**ACTS, 1987. – Chap. 131.**

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 further, that the department of elder affairs shall maximize federal reimbursement for meals served herein; provided further, that not less than three million dollars shall be obligated for grants to councils on aging; and provided further, the executive office of elder affairs is hereby directed and authorized to pay a prior year deficiency of three thousand six hundred dollars to the Quincy community action organization in accordance with the contract between said executive office and said organization for a retired senior volunteer program in fiscal year nineteen hundred and eighty-six.

**EXECUTIVE OFFICE OF CONSUMER AFFAIRS.**  
Department of Public Utilities.

9270-0001 For the general administration of the department, including not more than ninety-nine positions; provided, however, that an amount not to exceed eight thousand six hundred and sixteen 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; provided further, that, notwithstanding the provisions of the second sentence of the first paragraph of section eighteen of chapter twenty-five of the General Laws, the assessments levied pursuant to the provisions of said paragraph for the fiscal year nineteen hundred and eighty-seven shall be made at a rate sufficient to produce not more than one million nine hundred and fifty thousand dollars; and, provided further, that all revenue from assessments for said fiscal year shall be credited to the General Fund as of June thirtieth, nineteen hundred and eighty-seven

\$200,000

**SECTION 3.** The department of public health shall submit to the house

---

**ACTS, 1987. – Chap. 132.**

and senate committees on ways and means a quarterly status report on all epidemiological health studies being conducted by the department including, but not limited to, purpose of the study, progress to date and intended date of completion.

**SECTION 4.** Beginning with the period January first, nineteen hundred and eighty-seven and quarterly thereafter, the department of public health shall submit to the house and senate committees on ways and means a report of the number of infant deaths compared to the total number of births in the Commonwealth for the previous quarter. The first such report shall be due within ninety days of the effective date of this act.

**SECTION 4A.** Section thirty-six of chapter sixty-nine of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out in line twenty-six the following words:- "the public".

**SECTION 5.** The executive office of human services shall submit to the house and senate committees on ways and means a comprehensive report describing the administration, implementation, and coordination of state funded programs that pertain to teenage pregnancy and infant mortality.

**SECTION 5A.** Section four of chapter six hundred and fourteen of the acts of nineteen hundred and eighty-five is hereby amended by inserting at the end thereof the following:-

There is hereby appropriated from the general fund the sum of one million two hundred and fifty thousand dollars for the purposes of this section. Appropriation expires June thirtieth, nineteen hundred and ninety-one.

**SECTION 5B.** Said chapter six hundred and fourteen is hereby further amended by striking out sections five and six.

**SECTION 5C.** Sections 5A and 5B of this act shall take effect as of December twenty-third nineteen hundred and eighty-five.

**SECTION 6.** This act shall take effect upon its passage.

Approved June 11, 1987.

---

**Chapter 132. AN ACT FURTHER REGULATING THE RATES OF PILOTAGE FOR THE PORT OF BOSTON.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 103 of the General Laws is hereby amended by



striking out section 31, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:-

Section 31. Rates of pilotage outward and inward for the port of Boston, calculated per foot of draught, shall be as follows:

For vessels 3500 Gross Tons or under -- \$30.00 per foot

For vessels over 3500 to 7000 Gross Tons -- \$31.00 per foot

For vessels over 7000 to 15000 Gross Tons -- \$34.00 per foot

For vessels over 15000 to 25000 Gross Tons -- \$36.00 per foot

For vessels over 25000 to 35000 Gross Tons -- \$37.00 per foot

For vessels over 35000 to 45000 Gross Tons -- \$38.00 per foot

For vessels over 45000 Gross Tons -- \$40.00 per foot

The following charges shall be made for anchoring vessels:

1. Any inbound vessel subject to pilotage that anchors in an area outside Deer Island Light and inside the demarcation line for Federal Inland Waters for more than six hours shall pay one hundred and fifty dollars.

2. Any inbound vessel from sea subject to pilotage that anchors in anchorage number two or number five shall pay full pilotage.

3. Any outbound vessel subject to pilotage that anchors in anchorage number one or number two and the pilot remains on board shall be subject to detention fees.

The following charges shall be made for shifting vessels:

1. Between docks in Boston, one hundred dollars.

2. Between any dock in Boston and anchorage number one, one hundred dollars.

3. Between any dock in Boston and anchorage number two, one-half pilotage.

4. Between anchorage number two or number five to Quincy, full pilotage.

5. Between anchorage number five and Boston, full pilotage.

6. Between Boston and Quincy, full pilotage.

7. Between anchorage number two and Boston from one to twelve hours, two hundred dollars.

8. Between anchorage number two and Boston in excess of twelve hours, one-half pilotage.

9. Between sea and Quincy, full pilotage; if a vessel proceeds to anchorage number two at the request of the master or agent, an additional pilotage.

10. Shifting a ship in anchorage number two, one hundred and fifty dollars.

Other charges shall be:

1. For detention of a pilot on board a vessel, there shall be a one hour free period, followed by a fifty dollar charge for the second hour or any portion thereof; for each additional hour or portion thereof there shall be a charge of twenty-five dollars. Detention time shall begin at the ordered sailing time.

2. Cancellation rate -- fifty dollars.

3. Compass adjusting -- fifty dollars.

4. Calibration rate -- fifty dollars.

---

**ACTS, 1987. – Chap. 133.**

5. When a pilot is ordered and dispatched for an arriving vessel and his services are not employed, the vessel shall pay a charge of one hundred dollars.

6. A pilot shall be considered ordered unless notified: one hour before sailing time in Boston; two hours before sailing time in Quincy, anchorage number two or number five.

7. No charge shall be made for any vessel detained because of fog or stress of weather.

8. Pilot carried away, the vessel shall pay his return expenses plus one hundred dollars per day.

9. Notifying a vessel of his diversion orders, a charge of one hundred dollars may be levied plus any regular charges.

10. Assisting the Master in docking or undocking, a charge of one hundred dollars.

11. All inbound vessels shall notify the pilot office eight hours before arrival time if that time varies more than two hours from their latest estimated time of arrival report.

**SECTION 2.** Said section 31 of said chapter 103, as amended by section one of this act, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph:–

Rates of pilotage outward and inward for the port of Boston, calculated per foot or draught, shall be as follows:

For vessels 3500 Gross Tons or under -- \$31.50 per foot

For vessels over 3500 to 7000 Gross Tons -- \$33.00 per foot

For vessels over 7000 to 15000 Gross Tons -- \$36.00 per foot

For vessels over 15000 to 25000 Gross Tons -- \$38.00 per foot

For vessels over 25000 to 35000 Gross Tons -- \$39.00 per foot

For vessels over 35000 to 45000 Gross Tons -- \$40.00 per foot

For vessels over 45000 Gross Tons -- \$42.00 per foot

**SECTION 3.** Section one shall take effect upon its passage. Section two shall take effect on June first, nineteen hundred and eighty-eight.

Approved June 16, 1987.

---

**Chapter 133. AN ACT EXEMPTING THE POSITIONS OF HOUSING AND CODE ENFORCEMENT INSPECTOR AND FOOD INSPECTOR IN THE CITY OF TAUNTON FROM THE PROVISIONS OF CIVIL SERVICE LAW.**

Be it enacted, etc., as follows:

**SECTION 1.** The positions of housing and code enforcement inspector and food inspector 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

---

**ACTS, 1987. - Chap. 134.**

service status of any person employed in the positions of housing and code enforcement inspector and food inspector in the city of Taunton on the effective date of this act.

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

Approved June 16, 1987.

---

**Chapter 134. AN ACT RELATING TO CERTAIN SCHOOL BONDS TO BE ISSUED BY THE CITY OF HOLYOKE.**

Be it enacted, etc., as follows:

**SECTION 1.** Any bonds issued by the city of Holyoke for acquiring land for and constructing, originally equipping, and furnishing the Dean Vocational/Technical high school shall be made payable in accordance with this section. The first annual principal payment on each issue of bonds shall be payable not later than two years after the date of the bonds and the maturities of the bonds shall be arranged so that for each issue, beginning with the first required principal payment, the annual combined payments of principal and interest shall be as nearly equal as practicable in the opinion of the city treasurer, or shall be arranged in accordance with a schedule providing for a more rapid amortization of principal; provided, however, said bonds shall be payable not later than twenty years from their dates. Except as provided in this act the authorization and issuance by the city of bonds or notes for such project shall be subject to the applicable provisions of chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight and chapter forty-four of the General Laws.

**SECTION 2.** The proceeds of any construction grant approved pursuant to chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight for such project shall be paid to the trustee appointed in accordance with section four and shall be held in trust and applied by said trustee to pay principal and interest on the bonds issued by the city for such project and interest on any notes issued in anticipation of the bonds. Each annual grant payment shall be made not later than fifteen days prior to the date on which the first payment of interest on the bonds or notes is due in that fiscal year.

**SECTION 3.** At least ten days prior to each date on which a payment of principal or interest is due on bonds or notes issued by the city for such project, the treasurer shall deposit with said trustee the amount necessary to make such payment, after taking into account all other moneys held by said trustee that are available for that purpose.

**SECTION 4.** Any funds to be held in trust under sections two and three shall be deposited for the account of the city with a trustee as

---

**ACTS, 1987. - Chap. 135.**

provided in section two, which may be any trust company or bank having the powers of a trust company within the commonwealth. The treasurer of the city with the approval of the mayor shall appoint such trustee and shall execute a trust agreement in such form as they may determine to be necessary or appropriate. Any such funds held in trust may be invested in accordance with the provisions of section fifty-four of chapter forty-four of the General Laws, and the trust agreement may provide that any investment earnings shall be applied without appropriation to pay such project costs, debt service on bonds or notes issued by the city for such project or such trustee's fees and other related expenses.

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

Approved June 16, 1987.

---

**Chapter 135. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF NORFOLK COUNTY TO BORROW MONEY TO MAKE CERTAIN IMPROVEMENTS AT THE NORFOLK COUNTY HOSPITAL.**

Be it enacted, etc., as follows:

**SECTION 1.** The county commissioners of Norfolk county are hereby authorized to expend for the Norfolk county hospital a sum not exceeding eight hundred and forty-five thousand dollars to pay for certain improvements in the parking area, Ward S, central air conditioning system, and elsewhere, including architectural and engineering fees and other costs incidental thereto and connected therewith.

**SECTION 2.** For the purposes authorized by section one, the treasurer of Norfolk county, with the approval of the county commissioners and with the approval of the advisory board on county expenditures of the county of Norfolk at a regularly scheduled meeting when a quorum is present and voting and after a submittal of plans of any such improvements by the administrator of the Norfolk county hospital to such board, may borrow upon the credit of the county such sums as may be necessary, not exceeding in the aggregate eight hundred and forty-five thousand dollars and may issue bonds or notes of the county therefor, which shall bear on their face the words, Norfolk County Hospital Loan, Act of 1987.

Each authorized issue shall constitute a separate loan and such loans shall be payable 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

---

**ACTS, 1987. – Chap. 136.**

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 June 16, 1987.

---

**Chapter 136. AN ACT AUTHORIZING THE ESTABLISHMENT OF THE MASHPEE WATER DISTRICT.**

Be it enacted, etc., as follows:

**SECTION 1.** The inhabitants of the town of Mashpee, liable to taxation in said town and residing in the territory comprised within the following boundary lines, to wit: All land within the territorial limits of the town of Mashpee, except those lands lying east and south of the following line:

Beginning in Waquoit Bay, thence northerly along the center of Great River to Abigail's Brook;

Thence easterly along the center of Abigail's Brook to the western property line of the 1985 Mashpee Assessors' Map 115, Plot 11;

Thence northerly along the western property lines of Map 115, Plots 11 and 4, and across Amy Brown Road to the southern property line of Map 109, Plot 6;

Thence westerly and northerly along the southern and western property lines of Map 109, Plot 6 to Red Brook Road;

Thence easterly along the south side line of Red Brook Road to the western property line of Map 110, Plot 71;

Thence south along the western property lines of Map 110, Plots 71 and 70;

Thence easterly along the southern property lines of Map 110, Plots 70, 71 and 67 to Sipps Road;

Thence northwesterly along the southern property line of Map 110, Plot 78;

Thence northeasterly along the western property lines of Map 110, Plots 78, 79, 80, 81, 82, 83, 84 and 59;

Thence northwesterly to the intersection of the western property line of Map 104, Plot 8 and the north side line of Red Brook Road;

Thence northerly and easterly along the western and northern property lines of Map 104, Plot 8 to the west side line of Great Neck Road South;

Thence northerly along the west side line of Great Neck Road South to the southern property line of Map 104, Plot 10;

Thence westerly and northerly along the southern and western property lines of Map 104, Plot 10 and northerly across Blue Castle Drive;

Thence easterly along the north side line of Blue Castle Drive to the western property line of Map 104, Plot 24;

Thence northerly and easterly along the western and northern property lines of Map 104, Plot 24 to the western property line of Map 104, Plot 25;

Thence northerly along the western property lines of Map 104, Plots 25, 26, 27 and 28 to the southern property line of Map 104, Plot 29;

Thence westerly and northerly along the southern and western property lines of Map 104, Plot 29 across B Street to the western property line of Map 99, Plot 33;

Thence northerly along the western property line of Map 99, Plot 33 to the southern property line of Map 99, Plot 34;

Thence westerly and northerly along the southern and western property lines of Map 99, Plot 34 to the southern property line of Map 99, Plot 35;

Thence westerly and northerly along the southern and western property lines of Map 99, Plot 35 to the southern property line of Map 99, Plot 37;

Thence westerly along the southern property lines of Map 99, Plot 37 and Map 95, Plot 7 (the former Holland Mill Road) to the western property line of Map 95, Plot 7;

Thence northerly and easterly along the western and northern property lines of Map 95, Plot 7 to the point of intersection of the northern property line of Map 95, Plot 7 with the western property line of Map 95, Plot 6;

Thence northerly along the western property lines of Map 95, Plots 6 and 5 to the southern property line of Map 95, Plot 4;

Thence westerly along the southern property line of Map 95, Plot 4 to Great Hay Road;

Thence northerly along the east side line of Great Hay Road to the southern property line of Map 89, Plot 1;

Thence easterly along the southern property line of Map 89, Plot 1 to the west side line of Great Neck Road South;

Thence northerly along the west side line of Great Neck Road South to the southern property line of Map 81, Plot 20;

Thence westerly, northerly and easterly along the southern, western and northern property lines of Map 81, Plot 20 to the west side line of Great Neck Road South;

Thence northerly along the west side line of Great Neck Road South to the southern property line of Map 74, Plot 13;

Thence northwesterly along the southern property line of Map 74, Plot 13 to Falmouth Road (State Route 28);

Thence northeasterly along the southeast side line of Falmouth Road to the Mashpee River;

Thence southerly along the Mashpee River to a point in Popponesset Bay at the Barnstable Town Line just north of Gooseberry Island;

And also excluding those parcels of land shown on the 1985 Mashpee Assessors' Maps as Map 74, Plots 19A, 19B, 20, 21, 22, 23 and 24, Map 73, Plots 8, 9 and 10, and Map 67, Plot 38;

on the effective date of this act, shall constitute a water district and are hereby made a body corporate by the name of the Mashpee water district, hereinafter called the district, for the purpose of supplying themselves and others, for fair consideration, with water for the extinguishment of fires and for domestic and other purposes, with the

power to lay water mains, establish a water distribution system, establish fountains and hydrants and to relocate and discontinue the same, regulate the use of such water and fix and collect rates to be paid therefor, construct and finance such water treatment works and facilities as may be necessary to deliver pure, healthful drinking water, assess and raise taxes as provided hereinafter for the payment of such services and for defraying the necessary expenses of carrying on the business of the district, subject to all general laws now or hereafter in force relating to such districts, except as otherwise provided herein. For these purposes, the district may seek, obtain and accept any available capital and operating funds from the commonwealth or the federal government or any authority or entity created by either of said governments and accept any donation or gift of capital, operating funds, land, easements, equipment or facilities from private sources. The district shall have power to prosecute and defend all actions relating to its property and affairs.

**SECTION 2.** For the aforesaid purposes the district, acting by and through its board of water commissioners, hereinafter provided for:

(a) may contract with any municipality, acting through its water department, or with any water company, or with any water district, for the purchase or sale of whatever water or waterworks facilities which may be required, authority to furnish or purchase the same being hereby granted, and may enter into such other contracts as may be necessary to effectuate the purposes of this act, subject to district meeting appropriation of any necessary funds required to effectuate any purchase of waterworks facilities as aforesaid;

(b) may take by eminent domain under the provisions of chapter seventy-nine or chapter eighty A of the General Laws, or acquire, by lease, purchase, gift, or otherwise, and hold, the waters, or any portion thereof, of any pond, spring or stream, or of any groundwater sources of supply by means of driven, artesian or other wells, within the territorial limits of the town of Mashpee, or towns adjoining thereto, not already appropriated for the purposes of a public water supply by another governmental body, and the water and flowage rights connected with any such water sources; may take as aforesaid, or acquire by purchase or otherwise, and hold, all lands, rights of way and other easements necessary for collecting, storing, holding, purifying and preserving the purity of the water and for conveying the same to any part of the district; provided, that no source of water supply or lands necessary for preserving the quality of such water shall be so taken or used without first obtaining the advice and approval of the department of environmental quality engineering or any successor state agency, and that the location and arrangement of all dams, reservoirs, springs, wells, pumping, purification and filtration plants and such other works as may be necessary in carrying out the provisions of this act shall be subject to the approval of said department;

(c) may construct and maintain on the lands acquired and held under this act, proper dams, wells, springs, reservoirs, standpipes, tanks,

pumping plants, buildings, fixtures and other structures, including the establishment and maintenance of purification works or systems, and may make excavations, procure and operate machinery and provide such other means and appliances, and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct pipe lines, wells and reservoirs, may establish pumping works, and may construct, lay, acquire and maintain aqueducts, conduits, pipes and other works under or over any land, water courses, railroads, railways, and public or other ways and along such ways, in said town, in such manner as not unnecessarily to obstruct the same;

(d) may, for the purpose of constructing, laying, maintaining, operating and repairing such aqueducts, conduits, pipes and other works, and for all other purposes of this act, dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel on such ways; provided, that the manner in which all things are done upon any such way shall be subject to the direction of the appropriate governmental agency of the respective towns in which such lands, highways or other ways are located; and provided, further, that the district shall not enter upon, or construct or lay any conduit, pipe or other works within the location of any railroad corporation except at such time and in such manner as it may agree upon with such corporation or, in case of failure to so agree, as may be approved by the department of public utilities;

(e) may enter upon any lands for the purpose of water supply exploration, making surveys, test wells or pits and borings, or any of them, and may take or otherwise acquire the right to occupy temporarily any lands necessary for the construction of any work or for any other purpose authorized by this act;

(f) may charge a one time systems development charge to those applicants seeking to connect into the water supply system, which said funds shall be kept by the district treasurer in a separate account to be appropriated by a district meeting and applied, as needed, for the cost of acquisition or development of new well fields, storage and distribution systems, and the purchase of all related materials, equipment, labor, work and all other items associated therewith which will contribute to the betterment of the waterworks system;

(g) may from time to time sell such of the property of the district as shall, in the opinion of its board of water commissioners hereinafter provided for, be no longer useful in the conduct of the affairs of the district;

(h) may employ personnel and may engage architectural, engineering, accounting, management, legal, financial and environmental consulting and other professional services;

(i) may adopt rules and regulations governing the management of the waterworks and the use and consumption of water, the same to be not inconsistent with this act;

(j) may establish specific construction standards and specifications for the water distribution supply system; and



(k) may do all things necessary, convenient or desirable for carrying out the purposes of this act or the powers expressly granted or necessarily implied by this act.

**SECTION 3.** Any person sustaining damages on his property by any taking under this act or any other thing done under authority thereof may recover such damages from the district under chapter seventy-nine or said chapter eighty A of the General Laws; but the right to damages for the taking of any water, water right or water source, or for any injury thereto, shall not vest until water is actually withdrawn or diverted under authority of this act.

**SECTION 4.** The district, for the purpose of paying other necessary expenses and liabilities incurred under this act, other than expenses of maintenance and operation, may from time to time borrow such additional sums as may be necessary, not exceeding, in the aggregate, twenty million dollars and may issue bonds or notes thereof which shall bear on their face the words Mashpee Water District Loan, Act of 1987 and such other distinguishing designation as may be determined by said board of water commissioners, and each authorized issue shall constitute a separate loan and such loans shall be payable in not more than forty years from their dates, notwithstanding any other provision of law. The district may borrow from time to time such sums as may be necessary for the purposes of this act in anticipation of revenue. Indebtedness incurred under this act shall, except as otherwise provided herein, be subject to the provisions of chapter forty-four of the General Laws pertaining to such districts.

Each such borrowing and each such issue of bonds or notes shall constitute a separate loan, shall be authorized by the affirmative vote of not less than two-thirds of those present at an annual or special meeting of the district, and shall be upon the full faith and credit of the district. All bonds or notes issued under the provisions of this act shall be obligatory upon the district and its inhabitants and the property within the limits of the district according to the tenor and purport thereof. The district shall, at the time of authorizing said loan or loans, provide for the payment thereof as authorized hereunder, and, when a vote to that effect has been passed, a sum which, with available income derived from water rates, shall be sufficient to pay the annual expense of operating its waterworks and the interest as it accrues on the bonds or notes issued as aforesaid by the district, and to make such payments on the principal as may be required under this act, shall without further vote be assessed upon the district by the district assessors annually thereafter until the debt incurred by said loan or loans is extinguished.

**SECTION 5.** The district, acting by and through said board of water commissioners, shall, subject to the applicable provisions of law, fix just and equitable prices, charges, fees and rates for the use of water determined by the cost of producing the same and shall prescribe the time and manner of payment. The income of the waterworks shall be

available for appropriation to defray all operating expenses, interest charges and payments on principal of any loan, as accruing upon any bonds or notes issued under authority of this act.

If there should be a net surplus remaining at the end of any fiscal year after the payment of all costs of operation, such net surplus may be appropriated by a district meeting for systems development costs as recommended by the board of water commissioners and in the absence of any such recommendation, shall be applied to pay costs of operation for the district for the succeeding fiscal year. Any systems development charge funds held in a separate account are to be excluded in the determination of net surplus.

The fiscal year of the district shall commence July first and end June thirtieth, or as otherwise provided in the by-laws of the district.

**SECTION 6.** If for any reason the revenues and available funds of the district, including revenues from prices, fees, charges and rates for the use of water as provided in section five, shall not be sufficient to pay the full cost of development and operation of the district, said district shall have power, by vote at a district meeting duly called by the water commissioners, to raise and appropriate by a district tax, beginning with fiscal year nineteen hundred and eighty-eight, sufficient funds to pay the full cost of development or operation of the district and promptly thereafter the clerk of the district shall send a certified copy of the vote to the district assessors, who shall assess the same on property within the district in the same manner in all respects in which town taxes are required by law to be assessed.

The assessors of the town of Mashpee shall be the district assessors and shall receive a salary for their services as shall be determined by the board of water commissioners. The assessment shall be committed to the district tax collector, who shall collect said tax in the manner provided by law for the collection of town taxes and who shall deposit the proceeds thereof with the district treasurer for the use and benefit of said district. The town tax collector shall be the district tax collector and shall receive a salary for services as shall be determined by the board of water commissioners. Any costs incurred by either the assessors or the tax collector of the town of Mashpee in performing services hereunder shall be paid for by the district. The district may collect interest on overdue taxes in the manner in which interest is authorized to be collected on town taxes. The manner of collection of district taxes shall be identical to the manner of collection of town taxes, including all provisions for the collection and enforcement of collection by liens, tax takings and foreclosures.

**SECTION 7.** Any personal property or real estate taken, purchased or acquired under this act, shall be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interest of the district.

**SECTION 8.** Any meeting of the voters of the territory included

within the boundaries set forth in section one to be held to accept this act, and any meeting of the voters of the district to be held prior to the election and qualification of a majority of the water commissioners, shall be called, on petition of ten or more legal voters therein, by a warrant from the selectmen of said town, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of the warrant in two or more public places in the district seven days at least before the time of the meeting. One of the selectmen shall preside at such meeting until a clerk is chosen and sworn, and the clerk shall preside until a moderator is chosen and sworn. At any meeting called hereunder prior to the acceptance of this act, after the choice of a clerk and moderator for the meeting, the question of the acceptance of this act shall be submitted to the voters, and if it is accepted by a majority of the voters present and voting thereon, it shall thereupon take effect and the meeting may then proceed to act on the other articles in the warrant. The board of voter registration of said town shall certify to the selectmen the voters eligible to participate in the meeting. After the election and qualification of a majority of the water commissioners as provided for hereafter, meetings of the district shall be called by warrant under their hands, unless some other method be provided by by-law or vote of the district. The board of voter registration of the town shall provide a list to the board of water commissioners, upon request, designating those voters eligible to vote at district meetings.

**SECTION 9.** The district shall, after the acceptance of this act as aforesaid, elect by ballot, either at the same meeting at which this act shall have been accepted, or thereafter, at a special meeting called for the purpose, three persons, inhabitants of and voters in the district, to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year, from the day of the next succeeding annual district meeting, to constitute a board of water commissioners; and at every annual district meeting following such next succeeding annual district meeting one such commissioner shall be elected by ballot for the term of three years. The date of the next annual meeting shall be fixed by the by-laws of the district, but in no event shall it be later than fifteen months subsequent to the date on which the water commissioners were first elected. All the authority granted to the district by this act, except sections four and six, and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject, however, to such instructions and by-laws, as the district may by vote impose. The district acting through its initial board of water commissioners, shall appoint, each for such term as it may determine, a clerk and a treasurer of the district, and such other officers and employees not specifically provided for in this act, as it may deem necessary and proper, and shall fix their compensation. The treasurer shall not be a member of the board of water commissioners and shall give bond to the district in such amounts as may be approved by said board with a surety company authorized to transact business in the commonwealth as surety. A

majority of said water commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by the district at any legal meeting called for the purpose. No money shall be drawn from the treasury of the district on account of its waterworks except upon a written order of said water commissioners or a majority of them.

**SECTION 10.** The district, at any annual or special meeting, may adopt by-laws regulating the call of district meetings and the necessary quorum at any meeting and may adopt such other by-laws as are appropriate for the operation of the district. All district meetings shall be called pursuant to a warrant issued by the board of water commissioners. The procedure for the call of a meeting, publication of the warrant, and conduct of the meeting shall be as set forth in chapter thirty-nine of the General Laws, unless the by-laws adopted by the district otherwise provide. The by-laws of the district may allow for such other officers not provided for in this act as deemed necessary or proper.

**SECTION 11.** Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or wilfully or wantonly injures any reservoir, well, standpipe, aqueduct, pipe or other property owned or used by the district for any of the purposes of this act, shall forfeit and pay to the district three times the amount of damages assessed therefor, to be recovered in an action of tort, and upon conviction of any of the above wilful or wanton acts shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than one year, or both.

**SECTION 12.** Upon a petition in writing addressed to the board of water commissioners requesting that certain real estate, accurately described therein, located in said town or abutting on said district and not otherwise served by a public water supply, be included within the limits thereof, and signed by a majority of the owners of such real estate, said water commissioners shall cause a meeting of the district to be called, at which meeting the voters may vote on the question of including said real estate within the district.

If a majority of the voters present and voting thereon vote in the affirmative, the district clerk shall, within ten days, file with the town clerk of said town an attested copy of said petition and vote, and thereupon said real estate shall become and be part of the district and shall be holden under this act in the same manner and to the same extent as the real estate described in section one.

If land within the town of Mashpee is acquired by the district by purchase, gift, transfer or eminent domain, the district clerk shall, within ten days thereafter, file with the town clerk of said town an attested copy of the instrument of acquisition and thereupon said real estate shall become and be part of the district and shall be holden under

this act in the same manner and to the same extent as the real estate described in section one.

**SECTION 13.** Nothing in this act shall authorize the district to supply water for domestic or other purposes to real estate being served with water by the High Wood Water Company, Inc., a private water company, or its assigns, on the effective date of this act, without first having acquired by purchase, gift, lease, contract or by eminent domain under the provisions of chapter seventy-nine or chapter eighty A of the General Laws, rights to or ownership of such of the properties of said High Wood Water Company, Inc., or its assigns, which are on said date located within that area included in the district and which are served by said High Wood Water Company, Inc. or its assigns. In case of any dispute by High Wood Water Company, Inc., or its assigns, as to any real estate included in the district defined in section one or as added under the provisions of section twelve, the department of public utilities, upon application of the district or of said High Wood Water Company, Inc., or its assigns, shall conduct a hearing and issue an order of determination to resolve the dispute.

**SECTION 14.** The district may, for the purpose of creating a stabilization fund, appropriate in any fiscal year an amount not exceeding ten per cent of the amount raised in the preceding fiscal year by taxation of real estate. Any interest accruing shall be added to and become a part of the fund. The stabilization fund may be appropriated at an annual meeting by a two-thirds vote for any purpose for which the district would be authorized to borrow money.

**SECTION 15.** The district assessors may create an overlay fund by adding to the amount to be assessed in accordance with section twenty-five of chapter fifty-nine of the General Laws.

**SECTION 16.** The district may, by vote at a district meeting, provide for the levy of special assessments to meet the whole or part of the cost thereafter incurred of laying pipes in public and private ways for the conveyance or distribution of water to its inhabitants, in accordance with the provisions of sections forty-two G, forty-two H, and forty-two I of chapter forty of the General Laws.

**SECTION 17.** Upon acceptance of this act by the district at a meeting held in accordance with the provisions of section eight and a subsequent majority vote at the same meeting or a later meeting, and upon majority vote of a duly called Mashpee town meeting authorizing the same, all assets, liabilities, contractual rights, leases and obligations of the existing water department of the town of Mashpee, shall be transferred to and assumed by the Mashpee Water District, and the existing water department of the town of Mashpee shall be dissolved and cease to exist, notwithstanding any prior Mashpee town meeting acceptance of general laws relating to water, water distribution systems, or in any way relating

---

**ACTS, 1987. – Chaps. 137, 138.**

to the creation of a town of Mashpee water department, election of water commissioners, or any other provision of law to the contrary.

**SECTION 18.** Within one calendar year of acceptance of this act by district meeting and Mashpee town meeting, the water district shall reimburse to the town of Mashpee an amount not less than two hundred and fifty thousand dollars representing the costs paid and expended by the town of Mashpee for the planning, exploration and development of a water supply and distribution system and for the creation of the Mashpee water district. Indebtedness authorized by section four may be used for this purpose.

**SECTION 19.** This act shall take effect upon its passage.

Approved June 16, 1987.

---

**Chapter 137. AN ACT AUTHORIZING CERTAIN MUNICIPAL LIGHT COMPANIES TO PURCHASE OIL AND OTHER FUEL SUPPLIES WITHOUT BIDS.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize certain purchases of oil and other fuel supplies without bids by municipal light companies, 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 234 of the acts of 1985 is hereby amended by striking out section 3 and inserting in place thereof the following section:-

Section 3. This act shall become inoperative on July first, nineteen hundred and eighty-nine.

Approved June 16, 1987.

---

**Chapter 138. AN ACT RELATING TO THE CHELMSFORD CENTER INDUSTRIAL DISTRICT AND THE TOWN OF CHELMSFORD.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 1 of chapter 420 of the acts of 1985 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. The following described area, together with all those inhabitants of the town of Chelmsford within said territory shall constitute a sewer district and is hereby made a body corporate entitled

the Chelmsford Center Industrial Sewer District hereinafter referred to as the district.

The districts territory and area are bounded and described as follows:

Northwesterly along 3 to 495; thence Westerly from 495 to River Meadow Brook; thence Southwesterly over various courses along River Meadow Brook, to Billerica Road, northwesterly along Billerica Road to Turnpike Road, then Southeasterly along Turnpike Road to River Meadow Brook; thence continuing Southeasterly along Turnpike Road to Mill Road, including all abutting properties to the industrial sewer construction along Turnpike Road; thence Easterly along Mill Road, approximately one thousand five hundred feet (1,500') to the RB-IA zoning boundary line including all abutting properties to the industrial sewer construction along Mill Road; thence Southeasterly to the Billerica Town Line; thence Northeasterly along said Town Line to the point of beginning;

Said territory and area is more particularly described on a plan entitled "Proposed Amended Plan for the Chelmsford Industrial Sewer District Scale 1" = 1000', September, 1986", prepared by Weston and Sampson Engineering, Inc.

**SECTION 2.** Section 4 of said chapter 420 is hereby amended by inserting after clause (k) the following clause:-

(k 1/2) to exercise all the powers and privileges of, and to be subject to limitations upon, town, regarding, powers of eminent domain, including but not limited to the provisions of chapter forty, chapter seventy-nine, and chapter eighty-two of the General Laws, insofar as such provisions may be applicable and are consistent with the provisions of this act, and to pay for any such takings from funds, raised or obtained under the provisions of this act; provided, however, that any requirements under such chapters for a vote by the board of selectmen or other governing body of a town or a vote by the voters of a town shall be satisfied by a vote or resolution duly adopted by said board in accordance herewith.

**SECTION 3.** Section 5 of said chapter 420 is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

The fees, rates, rents, assessments, abatements, and other charges established by the board shall not be subject to supervision or regulation by any department, division, commission, board, bureau, or agency of the commonwealth or any of its political subdivisions, including, without limitation, the town, nor shall the district be subject to the provisions of section twenty A of chapter fifty-nine of the General Laws. Notwithstanding the foregoing, except to the extent of betterments assessed by the board and except as provided in section eight, the board shall have no power of taxation. Except for payment of principal of and interest on bonds or notes of the district, the board's operating budget shall be limited to the sum of five thousand dollars for current administrative expenses approved by the board in the year nineteen

---

**ACTS, 1987. - Chap. 138.**

hundred and eighty-five. Each year thereafter said sum may be increased two and one-half per cent per year.

**SECTION 4.** Section 6 of said chapter 420 is hereby amended by striking out, in line 3, the word "two" and inserting in place thereof the word:- three.

**SECTION 5.** Section 8 of said chapter 420 is hereby amended by adding the following two paragraphs:-

To the extent that moneys therefor are not otherwise provided, a sum sufficient to pay the principal and interest coming due within the year on the district's general obligation bonds or notes issued hereunder shall be appropriated and, even if it is not appropriated, shall be raised by taxation. In order to provide such sum in each year and not notwithstanding any other provisions herein to the contrary, all taxable property in the district shall be subject to ad valorem by the district without limitation as to rate or amount.

The assessors of the town shall assess taxes levied under this act on property within the district in the same manner in all respects in which town taxes are required by law to be assessed; provided, however, that no estate shall be subject to any tax assessed on account of the system of sewerage under this act if, in the judgment of the board, after a hearing due notice whereof shall have been given, such estate is so situated that the buildings thereon, or the buildings that might be constructed thereon, could not be connected with said system in any ordinary or reasonable manner; but all other estates in the district shall be deemed to be benefited and shall be subject to such tax. A certified list of the estates exempt from taxation under provisions of this section shall be sent by said board to said assessors. The assessment shall be committed to the town collectors, who shall collect said tax in the manner provided by law for the collection of town taxes, and shall deposit the proceeds thereof with the district treasurer for the use and benefit of the district. The district may collect interest on the overdue taxes in the manner in which interest is authorized to be collected on town taxes.

**SECTION 6.** Section 10 of said chapter 420 is hereby amended by striking out the fifth, sixth and seventh sentences and inserting in place thereof the following three sentences:- The outstanding debt of the district shall not exceed, in the aggregate at any one time, three million dollars, excluding temporary notes in anticipation of revenue or federal, state, local or other grants or aid. Each authorized issue shall constitute a separate loan and such loans shall be payable in not more than twenty years from their dates. Any indebtedness issued under this act with the exception of renewal notes issued pursuant to section six or refunding bonds issued pursuant to section nine shall be issued within three years of the effective date of this act.

**SECTION 7.** Said chapter 420 is hereby further amended by inserting after section 10 the following section:-



---

**ACTS, 1987. - Chap. 139.**

Section 10A. The treasurer of the town of Chelmsford, with the approval of the board of selectmen, may finance the construction of sewers or sewerage systems within the district by applying the proceeds of any bonds or notes issued or to be issued under the vote passed by the town under Article 30 of the warrant for the annual town meeting of nineteen hundred and eighty-four. Such proceeds may be applied for said purposes only in accordance with a contract between the town and the district, authorized and executed by the selectmen of the town and the district sewer commissioners, that provides for payments by the district to the town to pay the district's share of the principal of and interest on the bonds or notes and related issuance costs incurred by the town.

Such bonds or notes of the town shall not be subject to the provisions of this act relating to bonds or notes of the district issued hereunder. Such bonds or notes shall remain general obligations of the town and shall be subject to the provisions of chapter forty-four of the General Laws, and the validity of the town's bonds or notes shall not depend upon the validity or enforceability of any contract between the town and the district.

**SECTION 8.** This act shall take effect upon its passage.

Approved June 16, 1987.

---

**Chapter 139. AN ACT PROVIDING FOR THE ANNUAL OBSERVANCE OF SILVER-HAIRED LEGISLATURE DAYS.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 6 of the General Laws is hereby amended by inserting after section 15CCC, inserted by section 1 of chapter 1 of the acts of 1987, the following section:-

Section 15DDD. The governor shall annually issue a proclamation setting apart the third Wednesday, Thursday and Friday in November, as Silver-Haired Legislature Days, and recommending that said days be observed in an appropriate manner by the people.

**SECTION 2.** Notwithstanding the provisions of any general or special law to the contrary, the silver-haired legislature may, subject to the approval of the speaker of the house of representatives and the president of the senate, and with the approval of the rules committee of both branches sitting concurrently, use the chambers of each branch and hearing rooms of each committee to conduct its business, so long as such rooms are not otherwise being used.

Approved June 16, 1987.

**Chapter 140. AN ACT RELATIVE TO LOANS TO DIRECTORS OF CO-OPERATIVE BANKS.**

Be it enacted, etc., as follows:

Section 19 of chapter 170 of the General Laws is hereby amended by striking out the first paragraph, as most recently amended by section 151A of chapter 557 of the acts of 1986, 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 to such director, who is not an officer of such bank, or to such officer so long as the loan is secured by a deposit account in said bank, all 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 16, 1987.

---

**Chapter 141. AN ACT PERMITTING SERVICE OF OUT-OF-STATE DIRECTORS ON THE BOARDS OF CO-OPERATIVE BANKS.**

Be it enacted, etc., as follows:

Section 9 of chapter 170 of the General Laws is hereby amended by striking out the second sentence, as amended by chapter 13 of the acts of 1986, 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 at least three-fourths of whom shall be citizens of the commonwealth and residents therein.

Approved June 16, 1987.

**Chapter 142. AN ACT RELATIVE TO LAND CLASSIFIED AS RECREATIONAL AND FOREST LAND.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 8 of chapter 61 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 such 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 maintaining the major portion of the property subject to this assignment in use as forest land. Notice of such public hearing shall be given in accordance with the provisions of section twenty-three B of chapter thirty-nine.

**SECTION 2.** Said section 8 of said chapter 61, 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, such written notice shall state the name and address of such organization and the terms and conditions of such assignment.

**SECTION 3.** Section 9 of chapter 61B of the General Laws, as so appearing, 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 such 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 maintaining the major portion of the property subject to this assignment in uses specified in section one. Notice of such public hearing shall be given in accordance with the provisions of section twenty-three B of chapter thirty-nine.

**SECTION 4.** Said section 9 of said chapter 61B, 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, such written notice shall state the name and address of said organization and the terms and conditions of such assignment.

Approved June 16, 1987.

---

**Chapter 143. AN ACT REQUIRING THE FILING OF CERTAIN INFORMATION BY SCHOOL DISTRICTS.**

Be it enacted, etc., as follows:

---

**ACTS, 1987. – Chap. 144.**

**SECTION 1.** Section 49 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 second and third paragraphs and inserting in place thereof the following two paragraphs:–

Each school committee shall file the following information with the department every year:

an outline of the curriculum and graduation requirements of the district;

pupil/teacher ratios and class size policy and practice;

teacher and administrator evaluation procedures;

statistics, policies, and procedures relative to truancy and dropouts;

statistics, policies, and procedures relative to expulsions and in-school and out-of-school suspensions;

per cent of school-age children attending public schools;

racial composition of teaching and administrative staff;

the names and addresses of all members of each school improvement council and of each member of the professional staff within the district.

Each school committee shall file a description of the following instructional procedures and programs with the department every year:

art and music programs;

programs for gifted and talented students;

adult education programs;

library and media facilities;

condition of instructional materials including textbooks, workbooks, audio-visual materials, laboratory materials;

types and condition of computers and computer software;

basic skills remediation programs;

drug and alcohol abuse programs.

**SECTION 2.** Said chapter 15 is hereby further amended by adding after section 61, inserted by chapter 587 of the acts of 1986, the following section:–

Section 62. School districts shall, at the same time of filing information with the department pursuant to section forty-nine, file the names and addresses of all members of each school improvement council and of each member of the professional staff within the district.

Approved June 16, 1987.

---

**Chapter 144. AN ACT FURTHER DEFINING THE DUTIES OF THE RECORDER.**

Be it enacted, etc., as follows:

Section 6 of chapter 185 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following sentence:–  
The recorder shall have the same powers as a clerk-magistrate in the

---

**ACTS, 1987. – Chaps. 145, 146, 147.**

superior court department of the trial court insofar as such powers relate to civil matters.

Approved June 16, 1987.

---

**Chapter 145. AN ACT RELATIVE TO THE PREPAYMENT OF MORTGAGE LOANS.**

Be it enacted, etc., as follows:

Paragraph 9 of section 6 of chapter 167E 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:-

Any loan secured by a mortgage on real estate improved with a dwelling designed to be occupied by not more than four families and occupied or to be occupied in whole or in part by the mortgagor, may be repaid at any time in full or in part subject to such anticipatory charges as may be provided, subject to applicable law, by the mortgage note.

Approved June 16, 1987.

---

**Chapter 146. AN ACT RELATIVE TO OFFICIAL PRACTICES CONTRARY TO THE ELECTION LAWS.**

Be it enacted, etc., as follows:

Chapter 56 of the General Laws is hereby amended by adding the following section:-

Section 60. Whenever the state secretary determines, after consulting with the local official involved, that a pattern of conduct, or a standard, practice, or procedure of a city or town clerk or board of registrars of voters is contrary to chapters fifty to fifty-four, inclusive, or any other general or special law concerning administration of elections, he may order such local official to comply with law. The attorney general may enforce the order by civil action. The state secretary may adopt procedural regulations governing administrative proceedings under this section. The remedy provided by this section shall not in any way limit the availability of judicial remedies to any person, official, commission or board.

Approved June 16, 1987.

---

**Chapter 147. AN ACT RELATIVE TO THE HOURS CERTAIN PERSONS SELLING ALCOHOLIC BEVERAGES MAY REMAIN ON THE LICENSED PREMISES.**

---

**ACTS, 1987. – Chaps. 148, 149.**

Be it enacted, etc., as follows:

The sixth paragraph of section 12 of chapter 138 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 hours during which sales of such alcoholic beverages may be made by any licensee as aforesaid shall be fixed by the local licensing authorities either generally or specially for each licensee; provided, however, that no such sale shall be made on any secular day between the hours of two and eight o'clock antemeridian and that, except as provided in section thirty-three, no such licensee shall be barred from making such sales on any such day after eleven o'clock antemeridian and before eleven o'clock postmeridian, and no tavern shall be kept open on any such day between one o'clock antemeridian and eight o'clock antemeridian; provided, further, that any such licensee or his manager shall not be prohibited from being on the licensed premises at any time; provided, further, that the employees, contractors or subcontractors shall not be prohibited from being upon such premises at any time for the purpose of cleaning, making renovations, making emergency repairs to or providing security for, such premises or preparing food for the day's business or opening or closing the business in an orderly manner.

Approved June 16, 1987.

---

**Chapter 148. AN ACT AUTHORIZING THE TOWN OF HOLBROOK TO APPOINT ROBERT E. McNAMARA AS A POLICE OFFICER.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of chapter thirty-one of the General Laws or any other law or rule or regulation to the contrary, the town of Holbrook is hereby authorized to appoint Robert E. McNamara as a police officer.

Approved June 16, 1987.

---

**Chapter 149. AN ACT PROVIDING FOR RETIREMENT BENEFITS TO MARY K. CALLAHAN AND ROBERT CALLAHAN BY THE CITY OF BOSTON.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the State-Boston retirement board is hereby authorized and directed to pay Mary K. Callahan and Robert Callahan, widow and son of Kevin J. Callahan, a deceased police officer from the city of Boston,

---

**ACTS, 1987. – Chaps. 150, 151.**

such benefits as provided for widows and children of deceased members of a retirement system under the provisions of section twelve B of chapter thirty-two of the General Laws.

Approved June 16, 1987.

---

**Chapter 150. AN ACT RELATIVE TO WEAPONS CARRIED ON HIGH SCHOOL GROUNDS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 10 of chapter 269 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in lines 34 and 35 and in lines 41, 49, 91 and 92, in each instance, the word "subsection", and inserting in place thereof the following word:- paragraph.

**SECTION 2.** Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out paragraph (j) and inserting in place thereof the following paragraph:-

(j) Whoever, not being a law enforcement officer, and notwithstanding any license obtained by him under the provisions of chapter one hundred and forty, carries on his person a firearm as hereinafter defined, loaded or unloaded, in any building or on the grounds of any secondary school, college or university without the written authorization of the board or officer in charge of such secondary school, college or university shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both. For the purpose of this paragraph, "firearm" shall mean any pistol, revolver, rifle or smoothbore arm from which a shot, bullet or pellet can be discharged by whatever means.

Approved June 16, 1987.

---

**Chapter 151. AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF GREENFIELD.**

Be it enacted, etc., as follows:

The charter of the town of Greenfield 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 articles 3.1 and 3.2 and inserting in place thereof the following articles:-

**3.1 election.** There shall be a town council consisting of twenty-seven members, which shall exercise the legislative powers of the town. Each of the nine precincts of the town shall elect for a term of three years,

---

**ACTS, 1987. – Chaps. 152, 153, 154.**

three councilors who shall reside in such precinct at the time of his nomination, election and service, except as provided hereafter: If a councilor, during his service, moves out of said precinct, but within the town, he shall serve until the next annual election. Such election of the councilors shall be in such a manner that one councilor shall be elected from each precinct each year.

3.2 vacancy. If a vacancy shall occur in the office of councilor it shall remain vacant until the next annual election.

Approved June 16, 1987.

---

**Chapter 152. AN ACT RELATIVE TO COLLECTIVE PURCHASING BY POLITICAL SUBDIVISIONS.**

Be it enacted, etc., as follows:

Section 22B of chapter 7 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following sentence:- No political subdivision which serves as a purchasing agent under the provisions of this section shall be liable solely by reason of its actions as such agent for any claim based upon a breach of warranty or defects in the design, manufacture or installation of the materials, supplies or equipment purchased pursuant to this section.

Approved June 16, 1987.

---

**Chapter 153. AN ACT REQUIRING CERTAIN NOTICE TO BE GIVEN TO PERSONS SUBJECT TO THE WITHHOLDING OF PENSION OR RETIREMENT PAYMENTS.**

Be it enacted, etc., as follows:

The second paragraph of section 91A of chapter 32 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "section", in line 35, the first time it appears, the words:- ; provided, however, that any such retiring authority or officer shall forthwith notify by certified mail any person whose pension or retirement allowance is so withheld of the reasons for such withholding.

Approved June 16, 1987.

---

**Chapter 154. AN ACT RELATIVE TO THE POWERS AND DUTIES OF THE HISTORIC DISTRICT COMMISSION OF THE TOWN OF BEDFORD.**



Be it enacted, etc., as follows:

**SECTION 1.** Chapter 118 of the acts of 1964 is hereby amended by striking out section 2 and inserting in place thereof the following section:-

**Section 2. Establishment of District.** - There is hereby established in the town of Bedford the Great Road/North Road/Springs Road/South Road/Maple Street/Elm Street historic district. The locations and boundaries of said historic district being shown on a map on file in the office of the town clerk entitled, "Plan of Land in Bedford, Mass., Showing Historic District," Scale 1"=100', prepared by BSC-Bedford, Drawing Number 1340.30, dated January 17, 1986.

**SECTION 2.** Section 3 of said chapter 118 is hereby amended by inserting after the definition "Historic district" the following definition:-

"Landscaping", the planting and removal of trees and the alteration of site topography,- and by striking out the definition "Structure" and inserting in place thereof the following definition:-

"Structure", a combination of materials, other than a building, including a wall, fence, walk and driveway.

**SECTION 3.** Section 4 of said chapter 118, as amended by section 1 of chapter 180 of the acts of 1979, is hereby further amended by striking out the first two sentences and inserting in place thereof the following two sentences:- An historic district commission in the town of Bedford is hereby established and shall consist of five members and two alternate members appointed by the board of selectmen, including one member from the Bedford historical society or the Bedford historical commission, one member shall be a resident of the historic district to be administered by the commission, and one member shall be a registered architect or a person experienced in the building trade. The appointments to membership in the Commission shall be so arranged that the term of at least one member shall expire each year and his successor shall be appointed in the same manner as the original appointment for terms of three years for each member.

**SECTION 4.** Section 5 of said chapter 118 is hereby amended by striking out subsection (e) and inserting in place thereof the following subsection:-

(e) No landscaping within the historic district, and subject to view from a public street, way or place, except for ordinary maintenance, shall be undertaken until a certificate of appropriateness shall have been issued by the commission.

**SECTION 5.** Subsection (a) of section 6 of said chapter 118 is hereby amended by striking out, in lines 3 to 9, inclusive, the words "; nor shall anything in this act be construed to prevent landscaping changes except landscaping changes, involving more than ordinary maintenance, which relate to landscaping features considered in granting a certificate of

---

**ACTS, 1987. – Chap. 155.**

appropriateness or permit for demolition or removal and referred to in such certificate or permit as a necessary condition to the granting of such approval".

**SECTION 6.** Section 7 of said chapter 118 is hereby amended by inserting after the word "five", in line 7, the words:– , or to landscape within the historic district, for which a certificate of appropriateness is required under paragraph (e) of section five.

**SECTION 7.** The third paragraph of section 8 of said chapter 118 is hereby amended by striking out, in line 4, the word "fourteen" and inserting in place thereof the word:– seven.

**SECTION 8.** The first paragraph of section 11 of said chapter 118 is hereby amended by adding the following sentence:– Each day such violation continues shall constitute a separate offense.

**SECTION 9.** Section 12 of said chapter 118 is hereby amended by adding the following paragraph:–

The commission shall file this act, amendments thereto, maps of historic districts created thereunder, annual reports and other publications of the commission, and a roster of membership with the Massachusetts historical commission.

**SECTION 10.** This act shall take effect upon its passage.

Approved June 22, 1987.

---

**Chapter 155. 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, Jr. who is a judge of the land court in the commonwealth, in the town of North Andover on June twenty-seventh, nineteen hundred and eighty-seven between Paula Mary Elias of the town of North Andover and Herbert Elmore Boles Ross III of the city of Northampton and the state secretary

---

**ACTS, 1987. – Chaps. 156, 157.**

shall issue to said Honorable John E. Fenton, Jr. in his capacity as aforesaid a certificate of such authorization.

Approved June 22, 1987.

---

**Chapter 156. AN ACT RELATIVE TO THE REPRESENTATIVE TOWN MEETING FORM OF GOVERNMENT IN THE TOWN OF FAIRHAVEN.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 2 of chapter 285 of the acts of 1930 is hereby amended by striking out the first sentence, as most recently amended by section 3 of chapter 400 of the acts of 1969, and inserting in place thereof the following sentence:- Other than the officers designated in section three as town meeting members at large, the representative town meeting membership shall in each precinct consist of the largest number divisible by three which will not exceed two and seven tenths per cent of the persons residing in the precinct.

**SECTION 2.** Section 4 of said chapter 285 is hereby amended by striking out the first sentence, as most recently amended by section 4 of said chapter 400, and inserting in place thereof the following sentence:- Nomination of candidates for town meeting members to be elected under this act shall be made by nomination papers signed by not less than ten voters of the precinct in which the candidate resides, and filed with the town clerk at least twenty-eight days before the election; provided, that any town meeting member may become a candidate for reelection by giving written notice thereof to the town clerk at least forty-nine days before election.

**SECTION 3.** This act shall take effect on April first, nineteen hundred and eighty-eight.

Approved June 22, 1987.

---

**Chapter 157. AN ACT RELATIVE TO THE VALIDITY OF A DEED EXECUTED BY A STATE AGENCY AFTER BIDDING.**

Be it enacted, etc., as follows:

**SECTION 1.** Subsection (a) of section 40F 1/2 of chapter 7 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the ninth paragraph and inserting in place thereof the following paragraph:-

No agreement for the rental or other disposition of state-owned real property, and no deed, executed by or on behalf of the commonwealth,

---

**ACTS, 1987. - Chaps. 158, 159.**

shall be valid unless such agreement or deed contains the following declaration, signed by the deputy commissioner:

The undersigned certifies under penalties of perjury that I have fully complied with the provisions of sections 40F 1/2 and 40H of chapter 7 of the General Laws in connection with the property described herein.

\_\_\_\_\_  
Deputy Commissioner, DCPO

Date: \_\_\_\_\_

**SECTION 2.** Section 40H of said chapter 7, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

No agreement on behalf of the commonwealth for the rental of real property for the use of state agencies from an individual or entity shall be valid unless such agreement contains the following declaration, signed by the deputy commissioner:

The undersigned certifies under penalties of perjury that I have fully complied with the advertising requirements of section 40H of chapter 7 of the General Laws in connection with the property described herein.

\_\_\_\_\_  
Deputy Commissioner, DCPO

Date: \_\_\_\_\_

Approved June 22, 1987.

---

**Chapter 158. AN ACT RELATIVE TO THE POSSESSION OF FIREARMS BY CERTAIN VETERANS ORGANIZATIONS FOR PARADES OR CEREMONIAL OCCASIONS.**

Be it enacted, etc., as follows:

Clause (12) of section 5 of chapter 40 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "Minutemen", in line 96, the words:- , the Cape Verdean-American Veterans Association, Inc.

Approved June 22, 1987.

---

**Chapter 159. AN ACT ALLOWING VIDEOTAPE EQUIPMENT AT CERTAIN MEETINGS OF GOVERNMENTAL BODIES.**

Be it enacted, etc., as follows:

---

**ACTS, 1987. - Chaps. 160, 161.**

Section 23B of chapter 39 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "reproduction", in line 96, the words:- or by means of videotape equipment fixed in one or more designated locations determined by the governmental body.

Approved June 22, 1987.

---

**Chapter 160. AN ACT INCREASING THE LIMIT FOR VOLUNTARY ADMINISTRATION OF SMALL ESTATES.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 16 of chapter 195 of the General Laws, as amended by section 46 of chapter 599 of the acts of 1986, is hereby further amended by striking out, in line 4, the word "five" and inserting in place thereof the word:- fifteen.

**SECTION 2.** Section 16A of chapter 195 of the General Laws, as amended by chapter 94 of the acts of 1987, is hereby amended by striking out, in line 4, the word "five" and inserting in place thereof the word:- fifteen.

Approved June 22, 1987.

---

**Chapter 161. AN ACT AUTHORIZING REGISTERED NURSES TO MAKE PRONOUNCEMENTS OF DEATH IN CERTAIN CASES.**

Be it enacted, etc., as follows:

Section 9 of chapter 46 of the General Laws is hereby amended by adding the following paragraph:-

When a patient suffering from a terminal illness or whose death is anticipated and who is receiving the services of a nursing home, a hospice program, at home or in a hospice, dies, a registered professional nurse licensed by the board of registration in nursing, who is employed by said hospice program or by the Visiting Nurse Association at the time of apparent death of such person, in the absence of an attending physician or a medical examiner, may make the determination and pronouncement of the death of said patient; provided, however, that said nurse first make reasonable effort to contact said physician or medical examiner before making such determination or pronouncement; and provided, further, that such determination or pronouncement be made in writing on a form approved by said board of registration and subscribed under pains and penalty of perjury.

Approved June 22, 1987.

---

**ACTS, 1987. – Chaps. 162, 163, 164.**

**Chapter 162. AN ACT PERMITTING HOME VIDEO RENTAL BUSINESS TO OPERATE ON SUNDAY.**

Be it enacted, etc., as follows:

Section 6 of chapter 136 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following clause:–

(51) The operation of a home video movie rental business.

Approved June 22, 1987.

---

**Chapter 163. AN ACT RELATIVE TO CERTAIN DEBT ISSUED BY CITIES AND TOWNS.**

Be it enacted, etc., as follows:

Section 7 of chapter 44 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out clause (18) and inserting in place thereof the following clause:–

(18) For the payment of charges incurred under contracts authorized by section four of chapter forty for the expert appraisal of taxable property or for the preparation of assessors maps, two years; provided, however, for the payment of charges for aerial mapping in connection with the preparation of such maps, ten years.

Approved June 22, 1987.

---

**Chapter 164. AN ACT PROVIDING FOR STUDENTS TO BECOME MEMBERS OF SCHOOL COMMITTEES.**

Be it enacted, etc., as follows:

Section 38M of chapter 71 of the General Laws is hereby amended by adding the following paragraph:–

The members of such student advisory committees shall, by majority vote prior to the first day of June in each year elect from their number a chairperson who shall serve for a term of one year. Said chairperson shall be an ex-officio, nonvoting member of the school committee, without the right to attend executive sessions unless such right is expressly granted by the individual school committee. Said chairperson shall be subject to all school committee rules and regulations and shall serve without compensation.

Approved June 22, 1987.

**Chapter 165. AN ACT RELATIVE TO THE CIVIL SERVICE STATUS OF TRAFFIC SUPERVISORS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 48 of chapter 31 of the General Laws, as amended by chapter 98 of the acts of 1986, is hereby further amended by inserting after the antepenultimate paragraph the following paragraph:-

Traffic supervisors or employees not members of the regular police force who are doing intermittent work protecting school children going to and from schools.

**SECTION 2.** The provisions of section one shall not impair the civil service status of any traffic supervisor or employee doing such intermittent work employed on the effective date of this act.

Approved June 22, 1987.

---

**Chapter 166. AN ACT AUTHORIZING THE COMMONWEALTH TO CONVEY TO THE CITY OF NEWTON CERTAIN EASEMENTS IN LAND UNDER THE JURISDICTION OF THE METROPOLITAN DISTRICT COMMISSION.**

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 in accordance with the provisions of section forty E to forty J, inclusive, of chapter seven of the General Laws, in consultation with the metropolitan district commission, to convey to the city of Newton a permanent easement in certain land in the city of Newton, under the control of said commission, for the purpose of laying, maintaining, repairing, relocating and forever operating a main drain and common sewer between Chestnut street and the Charles river near Elliot street in said city, and for the purpose of constructing, maintaining and forever operating a sewer pumping station abutting Elliot street in said city. Said land is bounded and described as follows:

Beginning at an intersection point of the northerly sideline of Elliot Street, a public way, and the easterly line of the Charles River said intersection point being the southeast corner of said easement;

Thence: Northerly along the easterly side of the Charles River, a distance of twenty-two feet, more or less (22'±) to a corner;

Thence: N 83°-54'-57" E a distance of one hundred eighty-three feet, more or less (183'±) to an angle point;

Thence: N 54°-50'-47" E a distance of twenty-three and ninety-five hundredths feet (23.95') to an angle point;

Thence: N 08°-03'-37" E a distance of seventy (70') to a corner;

Thence: S 81°-56'-23" E a distance of thirty-eight and twenty-one

hundredths feet (38.21') to a corner, on the boundary between the lands of the Commonwealth of Massachusetts and G. Arnold Haynes (a/k/a Arnold J. Haynes);

Thence: S 05°-09'-48" E a distance of eighty-seven and two hundredths feet (87.02') along said boundary to a corner on the northerly sideline of Elliot Street;

Thence: Westerly along the northerly sideline of Elliot Street, several courses, a distance of two hundred seventy-four feet, more or less (274' ±) to the point of the beginning.

Reference is made to a plan entitled "City of Newton, Massachusetts, Elliot Street Pumping Station, Easement for Main Drain and Common Sewer", Scale: 1" = 40'; March 1986; prepared for the City of Newton by ASEC Corporation, 383 Dorchester Avenue, Boston, Massachusetts; and signed by William J. Montuori, Professional Land Surveyor.

The aforementioned parcel is shown on said plan as parcel number 27 and contains ten thousand five hundred square feet, more or less (10,000' ± sq. ft.).

**SECTION 2.** The deputy commissioner of capital planning and operations, acting for and on behalf of the commonwealth, is hereby further authorized in accordance with the provisions of section forty E to forty J, inclusive, of chapter seven of the General Laws, in consultation with the metropolitan district commission, to convey to the city of Newton certain temporary easements in certain land in said city, under the control of said commission, for the period of construction of the main sewer and pumping station as described in section one. Said land is bounded and described as follows:

The parcel is shown on said plan as Parcel TC-27A, and consists of a strip of land ten feet in width and three hundred and fifteen feet in length abutting the parcels described in section one and this section, and more specifically, its southern and eastern bounds being contiguous with the second, third, fourth, and fifth bounds therein described.

The two aforementioned parcels all being a portion of the land taken by the board of metropolitan park commissioners by power of eminent domain pursuant to an order dated February 5, 1896 and recorded at the southern district registry of deeds in the county of Middlesex Book 2438, Page 503. Said parcels are currently under the jurisdiction of the parks division of the metropolitan district commission.

**SECTION 2A.** The city of Newton will assume the costs of any appraisals, surveys and other expenses as deemed necessary by the deputy commissioner for the granting of the easements authorized in sections one and two of this act.

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

Approved June 23, 1987.



**Chapter 167. AN ACT PROVIDING FOR A CAPITAL OUTLAY PROGRAM FOR THE COMMONWEALTH.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide funds immediately for a mental health capital outlay program, 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.** To provide for a program of studies, construction, reconstruction, alteration and improvement of various state institutions and properties, and for the purchase of certain property, including furnishings and equipment and motor vehicles, the sums set forth in section two of this act, for the several purposes and subject to the conditions in sections two to thirteen, inclusive, are hereby made available, subject to the provisions of law regulating the disbursement of public funds and the approval thereof.

**SECTION 2.**

**EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.**  
Division of Community Development.

**Item**

3722-7870)	For state financial assistance in the form of
)	a grant by the commonwealth acting by and
3722-8846)	through the department of community af-
	fairs; provided, however, that said depart-
	ment shall enter into contracts with housing
	authorities for the development costs includ-
	ing studies, the preparation of plans and
	designs, if necessary, acquisition of lands or
	land and buildings thereon, the renovation
	and upgrading of facilities and the construc-
	tion, including furnishings and equipment, of
	alternative model community residences for
	handicapped persons of low income or fami-
	lies of low income of which one or more
	persons is handicapped pursuant to the
	provisions of section forty-one A of chapter
	one hundred and twenty-one B of the General
	Laws; provided, further, that said department
	shall have the authority to act as a housing
	authority in accordance with the provisions
	of said chapter one hundred and twenty-one
	B and chapter five hundred and seventy-nine

of the acts of nineteen hundred and eighty and may enter into contracts with nonprofit organizations in areas of the state where no housing authority chooses to enter into such contracts for the development and management of such community residences; provided, further, that such community residences shall be the property of the commonwealth in the event that such contract is with such a nonprofit organization; provided, further, that such community residences constructed pursuant to this item shall be utilized by such handicapped persons who are clients living in Belchertown state school, Monson developmental center, Walter E. Fernald state school, Paul A. Dever state school, or Wrentham state school and who are plaintiff class members of certain consent decrees relative to such institutions and by other appropriate handicapped persons who are not class clients; provided further, that said department and the department of mental health shall develop a community living plan for said handicapped persons; provided further, that no funds shall be expended from the sum appropriated herein for such community residences, including intermediate care facilities, except in accordance with said plan; provided further, that not less than thirty per cent of the funds appropriated herein shall be expended for the construction of such suitable residences on property presently owned by the commonwealth in accordance with said plan; provided further, that the department of mental health shall provide the funding for the operation of all community residences constructed with state funds appropriated herein through contract agreements with private service providers or with state employees; provided, further, that not less than sixty per cent of the funds appropriated herein shall be expended for such community residences to be operated by state employees; provided further, that the amounts appropriated herein shall be in addition to any other amounts available for housing grants under said section forty-one A of said chapter one hundred and twenty-one B; provided however, that nothing herein

shall be construed to prevent said handicapped persons from becoming residents in other housing units constructed pursuant to other monies available pursuant to said section forty-one A of said chapter one hundred and twenty-one B; provided, however, that housing authorities shall be required to repay the department of community affairs to the maximum extent possible for grants received herein in a schedule which seeks to amortize such payment over a twenty year period of time; provided further, that such housing authorities are hereby authorized to charge sponsors operating such community residences an amount equal to the payments which may be required under such amortization schedule, in addition to reasonable charges for overhead and maintenance; provided however, if such community residences are operated by state employees, such charges shall be the responsibility of the department of mental health; and provided further, that such charges shall be included in rates established by the rate setting commission for purposes of reimbursement under Title XIX of the Social Security Act; provided further, that any expenditure from this item shall be contingent upon the prior approval and assurance by the secretary of human services that not less than the maximum percentage 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; provided further, that copies of said community living plan, including cost estimates upon completion, the location of all new residences, and the number of clients to be served, shall be submitted to the secretary of human services; provided further, that the secretary of human services shall submit to the house and senate committees on ways and means a copy of said community living plan including estimated cost, location, and number to be served; and provided further, that the provisions of this item as they relate to the percentage of the sum appropriated herein to be used for specific purposes may be waived on the grounds

---

**ACTS, 1987. - Chap. 167.**

- that the percentage is either unfeasible or impracticable pursuant to a schedule, with the justification, submitted by the department of community affairs and approved by the house and senate committees on ways and means; to be in addition to the amount appropriated in item 3722-8846 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three \$18,000,000
- 3722-8871 The commonwealth, acting by and through the department of community affairs, may enter into a contract or contracts for state financial assistance in the form of a grant by the commonwealth for the development costs of housing for mentally ill persons of low income or families of low income of which one or more persons is mentally ill pursuant to the provisions of section forty-one A of chapter one hundred and twenty-one B of the General Laws \$32,000,000

**EXECUTIVE OFFICE OF HUMAN SERVICES.**

Massachusetts Commission for the Blind.

- 4110-7871 For the relocation and construction of a regional talking book library, including the cost of furnishings and equipment, subject to the provisions of section nine of this act \$5,660,000

**DEPARTMENT OF YOUTH SERVICES.**

- 4238-8871 The division of capital planning and operations is hereby authorized to expend three million six hundred thousand dollars for the design, preparation of plans, and construction of a facility for the purposes of relocating a Department of Youth Services program currently located in the Hale building at Worcester State Hospital, provided that not more than seventy-two thousand dollars be expended for project programming, studies, and master plans, including environmental impact reports and cost estimates for the construction of a new facility \$3,600,000

**DEPARTMENT OF CORRECTION.**

- 4342-7871 The division of capital planning and operations is hereby authorized to expend one million five

---

**ACTS, 1987. – Chap. 167.**

hundred thousand dollars for studies, the preparation of plans, and the design and construction, including furnishings and equipment, for the relocation of the Boston state pre-release center. These funds are to be in addition to the amounts appropriated in item 4342-8831 of section two of chapter three hundred and forty-seven of the acts of nineteen hundred and eighty-two and item 4342-8841 of section two B of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three; provided however that copies of said study, including cost estimates upon completion, shall be submitted to the house and senate committees on ways and means; provided further, that no funds shall be expended for the development of plans except as approved by the house and senate committees on ways and means subsequent to the receipt of said study including cost estimates

\$1,500,000

Community Mental Health Centers.

5011-8874 The division of capital planning and operations is hereby authorized to expend three million two hundred thousand dollars for studies, design, preparation of plans, renovation, upgrading and expansion of the state community mental health centers, including the costs of furnishings and equipment, provided that any expenditure of funds be prioritized to those centers for whom funding is necessary to maintain existing certification; provided that within one year of the effective date of this act and on annual basis thereafter, the commissioner of the department of mental health shall submit a report to the house and senate committees on ways and means summarizing the status of the major projects. Any capital expenditure authorized in this item shall be exempt from the provisions of sections twenty-five C, twenty-five D, twenty-five E, twenty-five F, and twenty-five G of chapter one hundred and eleven of the General Laws or any other general or special law requiring a determination of need

\$3,200,000

Metropolitan Boston Area.

- 5011-8875 The division of capital planning and operations is hereby authorized to expend one million two hundred thousand dollars for project programming, studies and master plans, including environmental impact reports and cost estimates for a comprehensive review of the metropolitan Boston area pursuant to the requirements of line items 5011-8876, 5011-8877, 5011-8878 and 5011-8879 \$1,200,000
- 5011-8876 The division of capital planning and operations is hereby authorized to expend forty-five million five hundred thousand dollars for design, renovation, upgrading, expansion, purchase, lease or construction of acute inpatient facilities for the Metropolitan Boston area; provided further, that the department of mental health shall conduct a study of the feasibility of utilizing unoccupied acute inpatient hospital beds in the metropolitan Boston area by contracting with or by purchasing beds from both private and public hospitals; provided further, that the department of mental health is directed to take all appropriate steps to affiliate with and operate under the license of such hospitals; provided further, that such study shall also include the feasibility of locating such acute inpatient hospital beds in a variety of other settings, including, but not limited to Boston state hospital, the Massachusetts mental health center, and other community mental health centers; provided further, that the commissioner of the department shall submit a plan to the house and senate committees on ways and means within three months of the effective date of this act, with recommendations, including the number of beds to be renovated, upgraded, expanded, purchased, leased or constructed; provided further, that expenditure of funds shall be contingent upon the approval of said plan by the house and senate committees on ways and means; provided, further, that the failure to act on said plan within sixty days of submission shall constitute approval; and provided further, that the commissioner of the department of

mental health shall submit an annual report to the house and senate committees on ways and means summarizing the status of the major projects. Any capital expenditure authorized in this item shall be exempt from the provisions of sections twenty-five C, twenty-five D, twenty-five E, twenty-five F, and twenty-five G of chapter one hundred and eleven of the General Laws or any other general or special law requiring a determination of need

\$45,500,000

5011-8877 The

division of capital planning and operations is hereby authorized to expend fifteen million dollars for congregate housing for the mentally ill, including the preparation of plans, studies and master plans, including environmental impact reports and cost estimates for design, construction, acquisition, purchase, and renovation for the metropolitan Boston area; provided further, that said housing may be developed on land which may be owned, transferred, acquired or purchased by the department or division, acting for and on behalf of the commonwealth, including land currently owned by municipalities, by the commonwealth, by the federal government or by private interests; provided further, that no such housing may be constructed, acquired, purchased or renovated without the prior approval of a plan submitted by the commissioner of the department of mental health to the house and senate committees on ways and means; provided further, that said plan shall be submitted within three months of the effective date of this act; provided further, said plan shall specify the location of all new residences and the number of clients to be served, including construction costs and annual operating costs, the staffing patterns for each new residence and the number to be state or vendor operated. Said plan shall also specify the municipal, state, federal and private land or buildings, acquired, purchased or renovated by the department or division, acting for and on behalf of the commonwealth; provided, further, that failure to act on said plan within sixty days of submission shall constitute approval. Any capital expen-

---

ACTS, 1987. - Chap. 167.

- 5011-8878 The diture authorized in this appropriation shall be exempt from the provisions of sections twenty-five C, twenty-five D, twenty-five E, twenty-five F, and twenty-five G of chapter one hundred and eleven of the General Laws or any other general or special law requiring a determination of need \$15,000,000
- 5011-8879 The division of capital planning and operations is hereby authorized to expend thirteen million seven hundred and fifty thousand dollars for transitional housing for the mentally ill, including the preparation of plans, studies and master plans, including environmental impact reports and cost estimates for design, construction and renovation for the metropolitan Boston area; provided however, that such housing shall be constructed on state owned land; provided further, that no such housing may be constructed, acquired, purchased or renovated without the prior approval of a plan submitted by the commissioner of the department of mental health to the house and senate committees on ways and means; provided, further, that said plan shall be submitted within three months of the effective date of this act; provided, further, said plan shall specify the location of all new residences and the number of clients to be served, including construction costs and annual operating costs, the staffing patterns for each new residence and the number to be state or vendor operated. Said plan shall also specify the municipal, state, federal and private land or buildings, acquired, purchased or renovated by the department or division, acting on behalf of the commonwealth; provided, further, that failure to act on said plan within sixty days of submission shall constitute approval. Any capital expenditure authorized in this item shall be exempt from the provisions of sections twenty-five C, twenty-five D, twenty-five E, twenty-five F, and twenty-five G of chapter one hundred and eleven of the General Laws or any other general or special law requiring a determination of need \$13,750,000
- 5011-8879 The division of capital planning and operations is hereby authorized to expend eight million dollars for permanent housing for the men-



tally ill, including the preparation of plans, studies and master plans, including environmental impact reports and cost estimates for construction, acquisition, purchase, and renovation for the metropolitan Boston area; provided further, that said housing may be developed on land which may be owned, transferred, acquired or purchased by the department or division, acting on behalf of the commonwealth, including land currently owned by municipalities, by the commonwealth, by the federal government or by private interests; provided further, that no such housing may be constructed, acquired, purchased or renovated without the prior approval of a plan submitted by the commissioner of the department of mental health to the house and senate committees on ways and means; provided further, that said plan shall be submitted within three months of the effective date of this act; provided further, said plan shall specify the location of all new residences and the number of clients to be served, including construction costs and annual operating costs, the staffing patterns for each new residence and the number to be state or vendor operated. Said plan shall also specify the municipal, state, federal and private land and/or buildings, acquired, purchased or renovated by the department or division, acting on behalf of the commonwealth; provided, further, that failure to act on said plan within sixty days of submission shall constitute approval. Any capital expenditure authorized in this item shall be exempt from the provisions of sections twenty-five C, twenty-five D, twenty-five E, twenty-five F, and twenty-five G of chapter one hundred and eleven of the General Laws or any other general or special law requiring a determination of need \$8,000,000

Statewide Housing.

5011-9873 The division of capital planning and operations is hereby authorized to expend fifteen million dollars for housing statewide for the mentally ill, including the preparation of plans, studies and master plans, including environmental

impact reports and cost estimates for design, construction, acquisition, purchase, and renovation; provided, however, that said housing may be developed on land which may be owned, transferred, acquired or purchased by the department or division, acting on behalf of the commonwealth, including land currently owned by municipalities, by the state, by the federal government or by private interests; provided, further, that no such housing may be constructed, acquired, purchased, or renovated without the prior approval of a plan submitted by the commissioner of the department of mental health to the house and senate committees on ways and means; provided further, that said plan shall be submitted within three months of the effective date of this act; provided further, that said plan shall specify the location of all new residences and the number of clients to be served, including construction costs and annual operating costs, the staffing patterns for each residence and the number to be state or vendor operated. Said plan shall also specify the municipal, state, federal and private land or buildings, acquired, purchased or renovated by the department; provided further, that failure to act on said plan within sixty days of submission shall constitute approval. Any capital expenditure authorized in this item shall be exempt from the provisions of sections twenty-five C, twenty-five D, twenty-five E, twenty-five F, and twenty-five G of chapter one hundred and eleven of the General Laws or any other general or special law requiring a determination of need \$15,000,000

5095-8870 The division of capital planning and operations is hereby authorized to expend twenty-nine million and fifteen thousand dollars to be in addition to those funds appropriated in items 5095-8871, 5095-8873, 5095-8874, 5095-8875, 5095-8876, 5095-8877, and 5095-8878 \$29,015,000

5095-8871 The division of capital planning and operations is hereby authorized to expend six million six hundred and ninety-six thousand dollars for the study, design, renovation and construction of hospital facilities at Northampton state hospital, provided that not more than

one hundred sixty-seven thousand four hundred dollars may be spent for project programming, studies and master plans, including environmental impact reports and cost estimates for the renovation, upgrading, construction, and expansion of the state hospital facilities; provided further that the department of mental health shall submit a plan for expenditure of said funds within ninety days of the effective date of this act; provided further that said plan shall indicate the department's plan for accommodating the in-patient needs of persons within the Northampton state hospital catchment area, including plans to develop affiliation agreements with local community and general hospitals to convert unused bed capacity into psychiatric beds for use by the departments clients, provided further that no funds may be obligated until said plan has been approved by the house and senate committees on ways and means; provided further that any capital expenditure authorized in this item shall be exempt from the provisions of sections twenty-five C, twenty-five D, twenty-five E, twenty-five F, and twenty-five G of chapter one hundred and eleven of the General Laws or any other general or special law requiring a determination of need

\$6,696,000

5095-8872 The division of capital planning and operations is hereby authorized to expend sixty-two million dollars; provided, that not less than fifty-seven million dollars shall be expended for studies, design, renovation, upgrading, expansion, purchase, lease or construction of acute inpatient facilities and housing for District II; provided further, that the division may allocate to the department of mental health those funds that are not within the division's jurisdiction pursuant to section forty B of chapter seven; provided further, that the department of mental health shall conduct a study of the feasibility of utilizing unoccupied acute inpatient beds in District II by contracting with or by purchasing beds from both private and public hospitals; provided further, that the department of mental health is directed to take all

appropriate steps to affiliate with and operate under the license of such hospitals; provided further, that such study shall also include the feasibility of locating such acute inpatient hospital beds in a variety of other settings, including, but not limited to Worcester state hospital, the University of Massachusetts medical center, and other community mental health centers; provided further, that the commissioner of the department shall submit a plan to the house and senate committees on ways and means within three months of the effective date of this act, with recommendations, including the number of beds to be renovated, upgraded, expanded, purchased, leased or constructed; provided further, that expenditure of funds shall be contingent upon the approval of said plan by the house and senate committees on ways and means; provided further, that the failure to act on said plan within sixty days of submission shall constitute approval; provided further, that if said plan includes the construction of new beds at the University of Massachusetts medical center in Worcester, the following requirements shall be met: there shall be an interagency agreement between the University of Massachusetts medical center in Worcester and the department of mental health; provided further, that said facility at the University of Massachusetts medical center shall serve those individuals needing hospitalization consistent with admission, treatment, discharge and research standards developed and approved by the commissioner of the department of mental health; provided further, that such admission standards shall ensure equal access to services for all individuals regardless of insurance coverage; provided further, that said agreement, if negotiated, shall be included in the plan submitted by the commissioner of the department of mental health to the house and senate committees on ways and means; provided further, that certain property management investments at Worcester state hospital shall not be contingent upon the approval of such plan. These property

management investments include repair or replacement, where necessary, of water, electric and steam distribution lines, sewage lines, storm drains, mechanical and ventilation systems, repairs and weatherproofing of fencing, emergency correction of outstanding violations of life-safety and building codes, including emergency exits, sprinklers and other fire prevention and suppression systems, establishment of temporary accommodations during emergency repairs, where necessary, repair and improvement of roads, signage, landscaping and general site conditions; provided further, that subject to the prior approval of the house and senate committees on ways and means, the division of capital planning and operations is hereby authorized to expend no more than five million dollars for the purpose of constructing housing for the chronically mentally ill on the campus of Worcester state hospital. Any capital expenditure authorized in this appropriation shall be exempt from the provisions of sections twenty-five C, twenty-five D, twenty-five E, twenty-five F, and twenty-five G of chapter one hundred and eleven of the General Laws or any other general or special law requiring a determination of need \$62,000,000

5095-8873 The division of capital planning and operations is hereby authorized to expend twenty-one million eight hundred and fifty-six thousand dollars for the study, design, renovation and construction of hospital facilities and housing at Danvers state hospital, provided that not more than five hundred forty-six thousand four hundred dollars may be spent for project programming, studies and master plans, including environmental impact reports and cost estimates for the renovation, upgrading, construction, and expansion of the state hospital facilities; provided further that the department of mental health shall submit a plan for expenditure of said funds within ninety days of the effective date of this act, provided further that said plan shall indicate the department's plan for accommodating the in-patient needs of persons within the Danvers state hospital catchment area,

including plans to develop affiliation agreements with local community and general hospitals to convert unused bed capacity into psychiatric beds for use by the departments clients, provided further that no funds may be obligated until said plan has been approved by the house and senate committees on ways and means, provided further that any capital expenditure authorized in this item shall be exempt from the provisions of sections twenty-five C, twenty-five D, twenty-five E, twenty-five F, and twenty-five G of chapter one hundred and eleven of the General Laws or any other general or special law requiring a determination of need \$21,856,000

5095-8874 The division of capital planning and operations is hereby authorized to expend nineteen million and two hundred thousand dollars for the study, design, renovation and construction of hospital facilities and housing at Metropolitan state hospital, provided that not more than four hundred eighty thousand dollars may be spent for project programming, studies and master plans, including environmental impact reports and cost estimates for the renovation, upgrading, construction, and expansion of the state hospital facilities; provided further that the department of mental health shall submit a plan for expenditure of said funds within ninety days of the effective date of this act; provided further that said plan shall indicate the department's plan for accommodating the in-patient needs of persons within the Metropolitan state hospital catchment area, including plans to develop affiliation agreements with local community and general hospitals to convert unused bed capacity into psychiatric beds for use by the departments clients; provided further that no funds may be obligated until said plan has been approved by the house and senate committees on ways and means, provided further that any capital expenditure authorized in this item shall be exempt from the provisions of sections twenty-five C, twenty-five D, twenty-five E, twenty-five F, and twenty-five G of chapter one hundred and eleven of the

---

ACTS, 1987. - Chap. 167.

- General Laws or any other general or special law requiring a determination of need \$19,200,000
- 5095-8875 The division of capital planning and operations is hereby authorized to expend twenty-four million three hundred and twenty-four thousand dollars for the study, design, renovation and construction of hospital facilities and housing at Taunton state hospital, provided that not more than six hundred and eight thousand one hundred dollars may be spent for project programming, studies and master plans, including environmental impact reports and cost estimates for the renovation, upgrading, construction, and expansion of the state hospital facilities; provided further that the department of mental health shall submit a plan for expenditure of said funds within ninety days of the effective date of this act, provided further that said plan shall indicate the department's plan for accommodating the in-patient needs of persons within the Taunton state hospital catchment area, including plans to develop affiliation agreements with local community and general hospitals to convert unused bed capacity into psychiatric beds for use by the departments clients; provided further that no funds may be obligated until said plan has been approved by the house and senate committees on ways and means; provided further that any capital expenditure authorized in this item shall be exempt from the provisions of sections twenty-five C, twenty-five D, twenty-five E, twenty-five F, and twenty-five G of chapter one hundred and eleven of the General Laws or any other general or special law requiring a determination of need \$24,324,000
- 5095-8876 The division of capital planning and operations is hereby authorized to expend twenty-six million five hundred and twenty-eight thousand dollars for the study, design, renovation and construction of hospital facilities and housing at Westboro state hospital, provided that not more than six hundred sixty-three thousand two hundred dollars may be spent for project programming, studies and master plans, including environmental impact reports and cost estimates for the renovation, up-

grading, construction, and expansion of the state hospital facilities; provided further that the department of mental health shall submit a plan for expenditure of said funds within ninety days of the effective date of this act, provided further that said plan shall indicate the department's plan for accommodating the in-patient needs of persons within the Westboro state hospital catchment area, including plans to develop affiliation agreements with local community and general hospitals to convert unused bed capacity into psychiatric beds for use by the departments clients; provided further that no funds may be obligated until said plan has been approved by the house and senate committees on ways and means; provided further that any capital expenditure authorized in this item shall be exempt from the provisions of sections twenty-five C, twenty-five D, twenty-five E, twenty-five F, and twenty-five G of chapter one hundred and eleven of the General Laws or any other general or special law requiring a determination of need \$26,528,000

5095-8877 The division of capital planning and operations is hereby authorized to expend thirteen million two hundred and fifty-six thousand dollars for the study, design, renovation and construction of hospital facilities and housing at Medfield state hospital, provided that not more than three hundred thirty-one thousand four hundred dollars may be spent for project programming, studies and master plans, including environmental impact reports and cost estimates for the renovation, upgrading, construction, and expansion of the state hospital facilities, provided further that the department of mental health shall submit a plan for expenditure of said funds within ninety days of the effective date of this act; provided further that said plan shall indicate the department's plan for accommodating the in-patient needs of persons within the Medfield state hospital catchment area, including plans to develop affiliation agreements with local community and general hospitals to convert unused bed capacity into psychiatric beds for use by the departments clients; provided further that no funds may



be obligated until said plan has been approved by the house and senate committees on ways and means, provided further that any capital expenditure authorized in this item shall be exempt from the provisions of sections twenty-five C, twenty-five D, twenty-five E, twenty-five F, and twenty-five G of chapter one hundred and eleven of the General Laws or any other general or special law requiring a determination of need \$13,256,000

5095-8878 The division of capital planning and operations is hereby authorized to expend four million two hundred thousand dollars for the study, design, renovation and construction of hospital facilities at Gaebler state hospital, provided that not more than one hundred and five thousand dollars may be spent for project programming, studies and master plans, including environmental impact reports and cost estimates for the renovation, upgrading, construction and expansion of the state hospital facilities, provided further that the department of mental health shall submit a plan for expenditure of said funds within ninety days of the effective date of this act, provided further that said plan shall indicate the department's plan for accommodating the in-patient needs of persons within the Gaebler state hospital catchment area, including plans to develop affiliation agreements with local community and general hospitals to convert unused bed capacity into psychiatric beds for use by the departments clients, provided further that no funds may be obligated until said plan has been approved by the house and senate committees on ways and means, provided further that any capital expenditure authorized in this item shall be exempt from the provisions of sections twenty-five C, twenty-five D, twenty-five E, twenty-five F, and twenty-five G of chapter one hundred and eleven of the General Laws or any other general or special law requiring a determination of need \$4,200,000

**SECTION 3.** For the purposes of alleviating overcrowded conditions in the state correctional facilities in as little time as possible while maintaining economy of construction, the deputy commissioner of the division of capital planning and operations, with respect to the project

authorized by item 4342-7871 of section two of this act, may after consultation with the director of the office of project management, the commissioner of correction, the secretary of the executive office of human services, 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, 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 the project shall 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; 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 the recommendation a report to the general court specifying the 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 the 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. 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 the recommendation and report together with comments, if any, of the inspector general with the clerks of the house of representatives and the senate, the house and senate committees on ways and means, the joint committee on human services and elderly affairs and the joint committee on state administration.

**SECTION 4.** 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 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 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 note, 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, notwithstanding any other provisions of this act, shall be general obligations of the commonwealth.

**SECTION 5.** To meet the expenditures necessary in carrying out the provisions of sections two and three of this act, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth, to an amount specified by the governor from time to time, not exceeding in the aggregate, the sum of three hundred and sixty-nine million four hundred and eighty-five thousand dollars.

All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Department of Mental Health Capital Outlay Loan, Act of 1987, 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 seventeen. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth.

**SECTION 6.** For the purposes of utilizing the unoccupied acute in-patient beds in the public and private hospitals in the commonwealth as well as maximizing medicaid and other third party reimbursements, the commissioner of the department of mental health is hereby directed to take all appropriate steps, including attempts to lease or purchase beds from both private and public hospitals, or to affiliate with and operate under the license of such hospitals; provided, however, that any conversion of existing private, nonprofit or municipal hospital beds pursuant to an agreement with the commissioner of the department of mental health shall be exempt from the provisions of sections twenty-five C, twenty-five D, twenty-five E, twenty-five F, and twenty-five G of chapter one hundred and eleven of the General Laws or any other general or special law requiring a determination of need; and provided, further, that costs and revenues generated in the operation of in-patient beds pursuant to such an agreement shall be treated for the purposes of establishing rates and charges under chapter six A of the General Laws as if a determination of need had been granted. For the purpose of calculating the hospital maximum allowable cost and gross patient service revenues under said chapter six A, costs of staffing these units shall be considered as a cost to the hospital.

**SECTION 7.** For the purposes of renovating, upgrading, constructing, and improving the in-patient care and housing for the state mental health facilities in as little time as possible while maintaining economy of construction, the deputy commissioner of capital planning and

operations, pursuant to items 5011-8874, 5011-8875, 5011-8876, 5011-8878, 5051-8871, and items 5095-8871 to 5095-8878, inclusive of section two of this act, may after consultation with the director of the office of project management, the commissioner of the department of mental health, the secretary of the executive office of human services, and such other persons as said deputy commissioner deems appropriate may 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, and design and build procurement.

In making a recommendation to the general court, said deputy commissioner shall set forth in full the procedures by which designing and construction services for the project shall be procured; provided however, that such recommended procedures shall provide for an open competition for design and construction publicly advertised pursuant to paragraph (1) of section forty-four J of chapter one hundred and forty-nine of the General Laws. Said deputy commissioner shall file with the recommendation and report to the general court specifying the 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 the 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. 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 the recommendation and report together with comments, if any, of the inspector general with the clerks of the house of representatives and senate and the house and senate committees on ways and means.

**SECTION 8.** The department of mental health and the division of capital planning and operations shall enter an interagency agreement reserving space for a specialized mental health unit in each of the new houses of correction funded by chapter seven hundred and ninety-nine of the acts of nineteen hundred and eighty-five and chapter six hundred and fifty-eight of the acts of nineteen hundred and eighty-six. Said new houses of correction are to be located in the following counties: Bristol, Essex, Hampden, Norfolk, and Suffolk. The specialized mental health units shall be managed by the sheriff of the house of correction. Mental health services shall be provided for prisoners detained therein by the forensic staff of the department of mental health.

**SECTION 9.** There is hereby established a special commission for the purpose of determining the most feasible alternative for the expansion or relocation of the regional talking book library. The special committee shall consist of the chairman of the house committee on ways and means, the chairman of the senate committee on ways and means, the secretary of the executive office of human services, the deputy commissioner of the division of capital planning and operations and the commissioner for the blind.

The Perkins school for the blind shall submit a proposal for the expansion of the regional talking book library at said school comparable to the proposal developed by the division of capital planning and operations to the special committee within five months of the effective date of this act; provided, however, no funds appropriated in item 4110-7871 in section two of this act may be expended in the event that a proposal submitted by the Perkins school for the blind is accepted by said committee; provided, further, that the special committee shall make its decision on the most feasible alternative for the expansion or relocation of said regional library not later than six months from the effective date of this act. After these six months, if the proposal submitted by the Perkins school for the blind is not offered to or accepted by said committee, then the commission for the blind shall proceed with the relocation and expansion of the regional talking book library at the site determined by the division of capital planning and operation.

**SECTION 10.** The deputy commissioner of the division 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 this act. A similar special unit shall also be established by the commissioner of mental health. Said deputy commissioner or commissioner of mental health 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 mental health, 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; provided, further, that the duties of said positions shall be exclusively limited to projects authorized by this act; provided, further, that thirty days prior to the hiring or transfer of said additional employees, said deputy commissioner or the commissioner of mental health shall notify the house and senate committees on ways and means.

**SECTION 11.** For the purposes of preventing duplication of planning efforts and capital expenditures, all capital improvements for services for medically-involved mentally ill department of mental health patients shall proceed consistent with the requirements and conclusions of section twelve of chapter two hundred and seventy-nine of the acts of nineteen hundred and eighty-six.

---

**ACTS, 1987. - Chaps. 168, 169.**

**SECTION 12.** Section 2 of chapter 798 of the acts of 1979 is hereby amended by striking out item 5471-8801 and inserting in place thereof the following item:-

5471-8801 For replacement of existing oil fired boilers with  
new boilers and appurtenant devices, includ-  
ing air pollution modifications \$100,000

**SECTION 13.** Item 5655-8841 of section 2 of chapter 723 of the acts of 1983 is hereby amended by striking out the wording and inserting in place thereof the wording:- For plans, renovations and improvements of the G building at Boston state hospital.

Approved June 24, 1987.

---

**Chapter 168. AN ACT PROCLAIMING RABIES PREVENTION WEEK  
WITHIN THE COMMONWEALTH.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately permit the governor to proclaim a Rabies Prevention Week, 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 15DDD, inserted by section 1 of chapter 139 of the acts of 1987, the following section:-

Section 15EEE. The governor shall annually issue a proclamation setting apart the second week of June as Rabies Prevention Week and recommending that said week be observed by the people in an appropriate manner.

Approved June 25, 1987.

---

**Chapter 169. AN ACT RELATIVE TO MEDICAL MALPRACTICE  
DEFERRED PREMIUM LIABILITY.**

Be it enacted, etc., as follows:

Subsection (3) of section 38 of chapter 351 of the acts of 1986 is hereby amended by inserting after the penultimate sentence the following sentences:-

No such separate rate, for the recovery of outstanding total deferred premium liability with respect to policies of medical malpractice insurance issued or renewed by any medical malpractice joint

---

ACTS, 1987. - Chap. 170.

underwriting association on or after July first, nineteen hundred and eighty-seven, shall be recovered from any insured if that insured was not covered by any medical malpractice joint underwriting association policy issued on or after July first, nineteen hundred and eighty-three, and before July first, nineteen hundred and eighty-six. A proportional rate in full satisfaction of such separate rate which may be recovered from any insured who was covered by medical malpractice joint underwriting association policies issued on or after July first, nineteen hundred and eighty-three, and before July first, nineteen hundred and eighty-six shall be recovered in the following manner: An insured who was covered by a policy issued or renewed by the joint underwriting association during the period July first, nineteen hundred and eighty-three through June thirtieth, nineteen hundred and eighty-four shall pay twenty per cent of such separate rate; and an insured who was covered by a policy issued or renewed by the joint underwriting association during the period July first, nineteen hundred and eighty-four through June thirtieth, nineteen hundred and eighty-five shall pay thirty per cent of such separate rate; and an insured who was covered by a policy issued or renewed by the joint underwriting association during the period July first, nineteen hundred and eighty-five through June thirtieth, nineteen hundred and eighty-six shall pay fifty per cent of such separate rate. The foregoing proportional rate shall not affect the calculation of the separate rate under this section on policies issued during the period July first, nineteen hundred and eighty-seven through June thirtieth, nineteen hundred and eighty-eight, but will be considered by the Commissioner in his determination of the separate rate in subsequent years, commencing with his determination applicable to policies issued on or after July first, nineteen hundred and eighty-eight.

Approved June 25, 1987.

EMERGENCY LETTER: June 25, 1987 @ 2:27 P.M.

---

**Chapter 170. AN ACT DESIGNATING CERTAIN PROPERTY ON THE BACK RIVER IN THE TOWN OF WEYMOUTH AS THE ABIGAIL ADAMS STATE PARK AND DESIGNATING A FACILITY LOCATED THEREON IN HONOR OF MARY F. TOOMEY.**

Be it enacted, etc., as follows:

The riverfront parcel of land located on the northerly side of Bridge street adjacent to the Back river in the town of Weymouth acquired by the commonwealth through the metropolitan district commission and being the same premises described in Document No. 40716 recorded in the registry of deeds in Norfolk county on April ninth, nineteen hundred and eighty-seven, shall be designated and known as the Abigail Adams state park. Any facility located on such parcel of land to be utilized for purposes of a museum, exhibition of area artifacts, displays of natural

---

**ACTS, 1987. – Chaps. 171, 172, 173.**

wildlife or vegetation, or the like, shall be designated in honor of Mary F. Toomey in recognition of her extraordinary devotion and commitment to preservation of the Back river. Suitable markers bearing said designations shall be placed thereon by the metropolitan district commission.

Approved June 25, 1987.

---

**Chapter 171. AN ACT AUTHORIZING THE BOARD OF SELECTMEN OF THE TOWN OF ESSEX TO APPOINT THE TOWN TREASURER/COLLECTOR OF TAXES.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of section one of chapter forty-one of the General Laws or any other general or special law to contrary, the board of selectmen of the town of Essex shall appoint a town treasurer/collector of taxes for a term of one or three years.

Approved June 25, 1987.

---

**Chapter 172. AN ACT PROVIDING FOR A CERTAIN DESIGNEE ON THE BOARD OF TRUSTEES OF THE NORFOLK COUNTY HOSPITAL.**

Be it enacted, etc., as follows:

Section 87 of chapter 111 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "board", in line 4, the words:– or his designee.

Approved June 25, 1987.

---

**Chapter 173. AN ACT RELATIVE TO MOTOR VEHICLE REGISTRATIONS.**

Be it enacted, etc., as follows:

Section 11 of chapter 90 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:– Every person operating a motor vehicle shall have the certificate of registration for the vehicle and for the trailer, if any, and his license to operate, upon his person or in the vehicle, in some easily accessible place, except that the certificates of registration of dealers, manufacturers, repairmen, owner-repairmen, farmers or dealers in both boats and boat



---

**ACTS, 1987. – Chap. 174.**

trailers need not be so carried; provided, however, that the certificate of registration of a person who is operating a motor vehicle in accordance with the provisions of the last sentence of the fifth paragraph of section two need not be so carried; and, provided further, that in the case of a rental vehicle, a photostat copy of the certificate of registration, accompanied by the rental agreement, shall be sufficient to comply with the provisions of this section.

Approved June 25, 1987.

---

**Chapter 174. AN ACT FURTHER REGULATING THE PUNISHMENT FOR VIOLATION OF CERTAIN ENVIRONMENTAL LAWS.**

Be it enacted, etc., as follows:

**SECTION 1.** The first paragraph of section 42 of chapter 21 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 12, the word "ten" and inserting in place thereof the word:– twenty-five.

**SECTION 2.** Section 50 of said chapter 21, as so appearing, is hereby amended by striking out the last paragraph.

**SECTION 3.** Section 50A of said chapter 21, as so appearing, is hereby amended by striking out the fifth sentence.

**SECTION 4.** The first paragraph of section 13 of chapter 21A of the General Laws is hereby amended by striking out the first sentence, as so appearing, and inserting in place thereof the following two sentences:– The commissioner of the department of environmental quality engineering shall adopt, and from time to time amend, regulations to be known as the state environmental code. Any violation of such code, (a) shall be punishable by a fine of not more than twenty-five thousand dollars for each day that such violation occurs or continues, or by imprisonment for not more than one year, or both such fine and imprisonment; or (b), shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each day that such violation occurs or continues.

**SECTION 5.** The first paragraph of section 14 of said chapter 21A, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:– Any violation of any provision of this section or any rule or regulation promulgated pursuant thereto, (a) shall be punishable by a fine of not more than twenty-five thousand dollars for each day that such violation occurs or continues, or by imprisonment for not more than one year, or both such fine and imprisonment; or (b) shall be subject to a civil penalty not to exceed

---

**ACTS, 1987. - Chap. 174.**

twenty-five thousand dollars for each day that such violation occurs or continues.

**SECTION 6.** The fourth paragraph of section 14 of chapter 21G of the General Laws, as appearing in section 1 of chapter 592 of the acts of 1985, is hereby amended by inserting after the word "both", in line 5, the words:- , or shall be subject to a civil penalty not to exceed twenty-five thousand dollars per day for each day such offense occurs or continues.

**SECTION 7.** Section 10 of chapter 83 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in lines 8 and 9, the words "penalties not exceeding twenty dollars, for each" and inserting in place thereof the words:- civil penalties, not exceeding five thousand dollars for each day of.

**SECTION 8.** Section 23 of chapter 91 of General Laws, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- Whoever creates such nuisance, (a) shall be punished by a fine of not more than twenty-five thousand dollars for each day such nuisance occurs or continues, or by imprisonment for not more than one year, or both such fine and imprisonment; or (b), shall be subject to a civil penalty of not more than twenty-five thousand dollars for each day such nuisance occurs or continues.

**SECTION 9.** Said chapter 91 is hereby further amended by striking out section 55, as so appearing, and inserting in place thereof the following section:-

Section 55. Whoever violates any provision of sections fifty-two, fifty-three and fifty-four or of any license or permit granted under said sections, (a) shall be punished by a fine of not more than twenty-five thousand dollars for each day that such violation occurs or continues, or by imprisonment for not more than one year, or both such fine and imprisonment; or (b), shall be subject to a civil penalty not to exceed twenty-five thousand dollars per day for each day such violation occurs or continues.

**SECTION 10.** Section 142A of chapter 111 of the General Laws, as amended by section 1 of chapter 335 of the acts of 1985, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- Any municipality, corporation or person which, after due notice, continues to violate any such regulation: (a) shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than twenty-five thousand dollars, or by imprisonment for not more than one year, or both such fine and imprisonment; or (b), shall be subject to a civil penalty of not more than twenty-five thousand dollars for each separate offense.

**SECTION 11.** The fifth paragraph of section 142B of said chapter 111, as amended by section 2 of said chapter 335, is hereby further amended

by striking out the fifth sentence and inserting in place thereof the following sentence:- Any person, corporation, or political subdivision violating any order of the department (a) shall be punished by a fine of not more than twenty-five thousand dollars or by imprisonment for not more than one year, or both such fine and imprisonment; or (b), shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each such violation.

**SECTION 12.** The seventh paragraph of section 150A of said chapter 111, as appearing in the 1984 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Any person, including any political subdivision of the commonwealth, who fails to operate and maintain a facility in accordance with the provisions of this section or in accordance with any rules, regulations, or orders hereunder promulgated (a) shall be punished for each such violation by a fine of not less than one hundred dollars nor more than twenty-five thousand dollars, or by imprisonment for one year, or both such fine and imprisonment; or (b), shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each such violation.

**SECTION 13.** The ninth paragraph of section 150B of said chapter 111, as so appearing is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Any person, including any political subdivision of the commonwealth, who fails to operate and maintain a facility in accordance with the provisions of this section or in accordance with any rules, regulations, or orders hereunder promulgated (a) shall be punished by a fine of not less than one hundred nor more than twenty-five thousand dollars, or by imprisonment for not more than one year, or both such fine and imprisonment; or (b), shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each violation.

**SECTION 14.** The first paragraph of section 160 of said chapter 111, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Whoever violates any such orders, rules or regulations: (a) shall be punished by a fine of not more than twenty-five thousand dollars, to the use of the commonwealth, for each day that such violation occurs or continues, or by imprisonment for not more than one year, or both such fine and imprisonment; or (b), shall be subject to civil penalty not to exceed twenty-five thousand dollars per day for each day such violation occurs or continues.

**SECTION 15.** Section 160A of said chapter 111, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Whoever maintains such a connection without a permit or after revocation of the permit, maintains such a connection, (a) shall be

punished by a fine of not more than twenty-five thousand dollars for each day such violation occurs or continues, or by imprisonment for not more than one year, or both such fine and imprisonment, or (b), shall be subject to a civil penalty not to exceed twenty-five thousand dollars per day for each day that such violation occurs or continues.

**SECTION 16.** Section 162 of said chapter 111, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:– Whoever violates such an order, (a) shall be punished by a fine of not more than twenty-five thousand dollars, to the use of the commonwealth, for each day that such violation occurs or continues, or by imprisonment for not more than one year, or both such fine and imprisonment; or (b), shall be subject to a civil penalty not to exceed twenty-five thousand dollars per day for each day that such violation occurs or continues.

**SECTION 17.** Said chapter 111 is hereby further amended by striking out section 170, as so appearing and inserting in place thereof the following section:–

Section 170. Whoever wilfully and maliciously defiles or corrupts any spring or other source of water, or reservoir, or destroys or injures any pipe, conductor of water or other property pertaining to an aqueduct, or aids or abets in any such trespass, shall be punished by a fine of not more than twenty-five thousand dollars for each day that such willful and malicious activity occurs or continues, or imprisonment for not more than two years, or both such fine and imprisonment. Whoever otherwise defiles or corrupts any spring or other source of water, or reservoir, or destroys or injures any pipe, conductor of water or other property pertaining to an aqueduct shall be subject to a civil penalty not to exceed twenty-five thousand dollars per day for each day that such violation occurs or continues.

**SECTION 18.** The third paragraph of section 105 of chapter 130 of the General Laws, as appearing in chapter 565 of the acts of 1986, is hereby further amended by striking out the third sentence and inserting in place thereof the following two sentences:– Any person who violates any such order, (a) shall be punished by a fine of not less than one hundred nor more than twenty-five thousand dollars, or by imprisonment for not more than one year, or both such fine and imprisonment; or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars per violation. Each day such violation continues shall constitute a separate offense.

**SECTION 19.** Section 40 of chapter 131 of the General Laws is hereby amended by striking out the last paragraph, as amended by section 44 of chapter 231 of the acts of 1985, and inserting in place thereof the following paragraph:–

Whoever violates any provision of this section, (a) shall be punished by a fine of not more than twenty-five thousand dollars or by imprisonment

---

**ACTS, 1987. – Chap. 174.**

for not more than two years, or both such fine and imprisonment; or (b), shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each violation. Each day such violation continues shall constitute a separate offense. This section may be enforced by environmental officers, and any officer having police powers.

**SECTION 20.** The fifth paragraph of section 40A of said chapter 131, as amended by section 2 of chapter 565 of the acts of 1986, is hereby further amended by adding the following two sentences:– Any person who violates any such order, (a) shall be punished by a fine of not less than one hundred nor more than twenty-five thousand dollars, or by imprisonment for not more than one year, or both such fine and imprisonment; or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for such violation. Each day such violation continues shall constitute a separate offense.

**SECTION 21.** Section 90 of said chapter 131, as appearing in the 1984 Official Edition, is hereby amended by striking out the fifth paragraph.

**SECTION 22.** Section 14 of chapter 132B of the General Laws, as so appearing, is hereby amended by striking out the first three paragraphs and inserting in place thereof the following three paragraphs:–

Any person who knowingly violates any provision of section six shall be punished by a fine of not more than twenty-five thousand dollars, or by imprisonment for not more than one year, or both such fine and imprisonment, for each such violation, or shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each such violation, which may be assessed in an action brought on behalf of the commonwealth in any court of competent jurisdiction. Each day of violation shall constitute a separate offense.

Any person who violates any provision of section six A or six B or who violates any regulation adopted under the provisions of this chapter, (a) shall be punished by a fine of not more than one thousand dollars, or imprisonment for not more than six months, or both such fine and imprisonment, for the second and each subsequent offense knowingly committed, or (b), shall be subject to a civil penalty not to exceed ten thousand dollars for any offense, which may be assessed in an action brought on behalf of the commonwealth in any court of competent jurisdiction. Each day of violation shall constitute a separate offense.

Any person who violates any order issued under the provisions of this chapter, (a) shall be punished by a fine of not more than twenty-five thousand dollars or imprisonment for not more than two years, or both such fine and imprisonment, for each violation knowingly committed, or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each violation, which may be assessed in an action brought on behalf of the commonwealth in any court of competent jurisdiction. Each day of violation shall constitute a separate offense.

Approved June 25, 1987.

**Chapter 175. AN ACT FURTHER REGULATING EXCISE TAX COLLECTION ON BOATS, SHIPS AND VESSELS.**

Be it enacted, etc., as follows:

Section 4 of chapter 60B of the General Laws is hereby amended by adding the following paragraph:–

Failure to pay said excise by the due date shall result in a penalty being imposed which shall be equal to twenty dollars or twenty per cent of the amount of the excise due, whichever is greater. The penalty shall be in addition to the amount of excise due and any interest thereon imposed by law. If said excise remains unpaid after the due date, the harbormaster of a city or town shall refuse to allow the vessel to moor, dock, or otherwise be situated within the waterways of said city or town. All sums received from said penalty shall be credited to the Municipal Waterways Improvement and Maintenance Fund, established under the provisions of clause (72) of section five of chapter forty.

Approved June 25, 1987.

EMERGENCY LETTER: June 25, 1987 @ 2:27 P.M.

---

**Chapter 176. AN ACT RELATIVE TO THE PAYMENT OF FUNERAL AND BURIAL EXPENSES OF CERTAIN POLICE OFFICERS AND FIREFIGHTERS.**

Be it enacted, etc., as follows:

Chapter 41 of the General Laws is hereby amended by inserting after section 100G the following section:–

Section 100G 1/4. Any city operating under a Plan D or Plan E charter, by the affirmative vote of a majority of its city council or any other city, by a majority vote of its city council with the approval of its mayor, and any town, by a majority vote at an annual or special town meeting, shall pay the reasonable expense, not exceeding five thousand dollars, of the funeral and burial of any firefighter while in the performance of his duty and as a result of an accident while responding to or returning from an alarm or fire or any emergency or as the result of an accident involving a fire department vehicle, which the firefighter is operating or in which he is riding or while at the scene of a fire or any emergency is killed or sustains injuries which result in his death, or of any police officer who while in the performance of his duty and as the result of an assault on his person, or a result of an accident while responding to an emergency while in the performance of his official duty or as result of an accident involving a police department vehicle which he is operating or in which he is riding is killed or sustains injuries which result in his death. The provisions of this section shall become effective in a city or town when accepted by such city or town.

---

**ACTS, 1987. – Chaps. 177, 178.**

In those cities or towns which accept the provisions of this section, the provisions of section one hundred G shall not be applicable.

Approved June 25, 1987.

---

**Chapter 177. AN ACT PROVIDING THE IDENTITY OF VICTIMS OF SEXUAL OFFENSES BE WITHHELD FROM PUBLIC DISCLOSURE.**

Be it enacted, etc., as follows:

**SECTION 1.** The first paragraph of section 24C of chapter 265 of the General Laws, as appearing in chapter 234 of the acts of 1986, is hereby amended by striking out, in line 5, the word "twenty-two" and inserting in place thereof the words:- thirteen B, twenty-two.

**SECTION 2.** Said section 24C of said chapter 265, as so appearing, is hereby further amended by adding the following paragraph:-

Except as otherwise provided in this section, it shall be unlawful to publish, disseminate or otherwise disclose the name of any individual identified as an alleged victim of any of the offenses described in the first paragraph. A violation of this section shall be punishable by a fine of not less than two thousand five hundred dollars nor more than ten thousand dollars.

Approved June 25, 1987.

---

**Chapter 178. AN ACT RELATIVE TO THE MUTUAL SAVINGS CENTRAL FUND, INC.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately indemnify all bank officers, 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 44 of the acts of 1932 is hereby amended by striking out section 2, as most recently amended by section 1 of chapter 229 of the acts of 1981, and inserting in place thereof the following section:-

**Section 2.** The officers of the corporation shall be a president, one or more vice presidents, a treasurer, a clerk and a board of twenty-five directors. All officers shall be elected by the directors. At all meetings each member bank shall be represented by such person as its board of investment shall designate, and each member bank shall have one vote for each ten million dollars or fraction thereof of deposits as shown by

its latest annual report to the commissioner. The directors may adopt by-laws and amendments thereto for the conduct of the business of the corporation, but any additions, deletions or other amendments thereto adopted shall be subject to the approval of a majority of the member banks; and by such by-laws may provide for and fix the time and place of meetings of the directors, which shall be at least quarterly, and of the corporation, define the duties of the officers, establish an executive committee of not less than five directors with such powers as the board of directors shall determine, and may provide for such other officers and other committees as they deem advisable. The directors may fill vacancies in the board until the next election. The board of directors shall have full control of the business of the corporation. The executive committee shall have full control of the business of the corporation between meetings of the directors. Any action required or permitted to be taken at any meeting of the directors may be taken without a meeting if all directors entitled to vote on the matter consent to the action in writing, and the written consent or consents are filed with the records of the meetings of directors. Such consents shall be treated for all purposes as votes at a duly called and held meeting. The board of directors of the corporation or any committee thereof may participate in a meeting of such board or committee by means of a conference telephone or similar communication equipment by means of which all persons participating in the meeting can hear each other at the same time, and participation by such means shall constitute presence in person at a meeting.

**SECTION 2.** Section 3 of said chapter 44, as amended by section 3 of said chapter 229, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:— Thereafter each such director shall be elected for a two-year term, such elections to be held at the annual meeting of the corporation, which shall be called by the clerk at such time and place as may be designated by the directors.

**SECTION 3.** Said chapter 44 is hereby further amended by adding the following section:—

**Section 10.** The corporation shall have the authority to indemnify its directors, trustees, officers, employees and other agents to whatever extent specified in or authorized by a by-law adopted pursuant to law. Such indemnification may include payment by the corporation of expenses incurred in defending a civil or criminal action or proceeding in advance of the final disposition of such action or proceeding upon receipt of an undertaking by the person indemnified to repay such payment if he shall be adjudicated to be not entitled to indemnification under this section which undertaking may be accepted without reference to the financial ability of such person to make repayment. Any such indemnification may be provided although the person to be indemnified is no longer an officer, director, trustee, employee or agent of the corporation.



---

**ACTS, 1987. - Chap. 179.**

No indemnification shall be provided for any person with respect to any matter as to which he shall have been adjudicated in any proceeding not to have acted in good faith in the reasonable belief that his action was in the best interests of the corporation.

The corporation shall have power to purchase and maintain insurance on behalf of any person who is or was a director, officer, employee or other agent of the corporation, against any liability incurred by him in any such capacity, or arising out of his status as such, whether or not the corporation would have the power to indemnify him against such liability.

**SECTION 4.** Chapter 178 of the General Laws is hereby further amended by striking out section 34, as inserted by section 6 of chapter 569 of the acts of 1986, and inserting in place thereof the following section:-

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 or which has merged with a federal savings and loan association which has its main office located in the commonwealth may continue to operate such insurance department in accordance with the provisions of this chapter.

Approved June 29, 1987.

---

**Chapter 179. AN ACT AUTHORIZING THE DISCONTINUANCE OF CERTAIN PUBLIC WAYS IN THE TOWN OF PALMER.**

Be it enacted, etc., as follows:

**SECTION 1.** The town of Palmer may, by a majority vote at an annual or special town meeting, abandon and otherwise discontinue public use of the following town ways: Brown road, from Rondeau road, northerly to the Ware-Palmer town line; Mountain road, from the intersection of Gates street, Old Warren road, and Mountain road, northerly to Rondeau road; a section of Olney road beginning fifty feet southerly of the former Olney house, then southerly to the intersection of Mountain road with Olney road; Tavern road, from Brown road, to the intersection of Tavern road with Bacon road; a section of St. John road beginning at a point one hundred feet south of the intersection of St. John with Rondeau road, then northerly to Bacon road including the Y fork at the Bacon road intersection; a section of Rondeau road beginning at a point on Rondeau road near the easterly side of the house located on the Camilleri s land (#4), then northeasterly to the westerly boundary of land owned by R.J. Fijol (#18); and the McMaster road, an old road beginning on the south side of the Old Warren road at a point easterly of the intersection of St. John with Old Warren road and running southeasterly to the state highway Route 67 close by the house of Harry Johnson, which house is located north of the Massachusetts Turnpike.

---

**ACTS, 1987. - Chaps. 180, 181.**

**SECTION 2.** Ownership of such abandoned town ways shall vest in the town of Palmer. No ownership rights of any nature shall vest in any of the abutters to such town ways.

**SECTION 3.** Control of such abandoned town ways shall be within the exclusive jurisdiction of the conservation commission of the town of Palmer.

**SECTION 4.** The conservation commission of said town shall have the authority to adopt rules and regulations for the use as recreational ways of said abandoned ways, including, but not limited to regulating the type of use and access by motor vehicles, if any, together with the direction and time of such use, including the use and access by any and all abutters.

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

Approved June 29, 1987.

---

**Chapter 180. AN ACT AUTHORIZING THE CERTIFICATION FOR TRANSFER OF ROBERT F. KELLEHER AS A POLICE OFFICER.**

Be it enacted, etc., as follows:

**SECTION 1.** The personnel administrator of the department of personnel administration shall certify Robert F. Kelleher for transfer from his position as a Registry of Motor Vehicles Examiner to police officer in the city of Somerville notwithstanding the fact that he passed a civil service examination for motor vehicle examiner after attaining the age of thirty-two; provided, however, that he fulfills all other requirements for certification and appointment as such police officer.

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

Approved June 29, 1987.

---

**Chapter 181. AN ACT AUTHORIZING THE CONTINUING EMPLOYMENT OF GABRIEL SPANLEY AND JOSEPH H. VENUTI, COURT OFFICERS IN MIDDLESEX COUNTY.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provision of section seventy-two of chapter two hundred and twenty-one of the General Laws or any general or special law to the contrary, Gabriel Spanley, a court officer of the superior court department of the trial court in the county of Middlesex is

hereby authorized to continue in such position until his seventy-third birthday, provided he is mentally and physically capable of performing the duties of his office or position. Said Gabriel Spanley 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 the date of his seventieth birthday and upon retirement said employee shall receive a superannuation retirement allowance equal to that to which he would have been entitled had he retired on said date.

**SECTION 2.** Notwithstanding the provision of section seventy-two of chapter two hundred and twenty-one or any general or special law to the contrary, Joseph H. Venuti, a court officer of the superior court department of the trial court in the county of Middlesex, is hereby authorized to continue in such position until his seventy-third birthday, provided that he is mentally and physically capable of performing the duties of his office or position. Said Joseph H. Venuti 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 the date of his seventieth birthday and upon retirement said employee shall receive a superannuation retirement allowance equal to that to which he would have been entitled had he retired on said date.

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

Approved June 29, 1987.

---

**Chapter 182. AN ACT PERMITTING THE PRACTICE OF NURSE-MIDWIFERY OUTSIDE LICENSED FACILITIES AND BIRTH CENTERS.**

Be it enacted, etc., as follows:

Chapter 112 of the General Laws is hereby amended by striking out section 80C, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:-

Section 80C. A nurse-midwife who is designated by the board of registration in nursing pursuant to the provisions of section eighty B may engage in the practice of nurse-midwifery; provided, however, that the nurse-midwife functions as a member of a health care team which includes a qualified physician licensed to practice medicine in the commonwealth which physician has admitting privileges in a hospital

---

**ACTS, 1987. – Chaps. 183, 184, 185.**

licensed by the department of public health for the operation of maternity and newborn services.

Approved June 29, 1987.

---

**Chapter 183. AN ACT INCREASING PENALTIES FOR VIOLATION OF HANDICAPPED PARKING ORDINANCES.**

Be it enacted, etc., as follows:

The last paragraph of section 22A of chapter 40 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 such ordinance, by-law, order, rule or regulation promulgated pursuant to the provisions of this paragraph shall not contain a penalty of less than twenty-five dollars or in excess of one hundred dollars.

Approved June 29, 1987.

---

**Chapter 184. AN ACT AUTHORIZING THE TOWN OF WEST STOCKBRIDGE TO ESTABLISH A HYDROELECTRIC POWER GENERATING PLANT.**

Be it enacted, etc., as follows:

The town of West Stockbridge, acting through the board of selectmen or its designee, is hereby authorized to install hydroelectric power generating equipment at the Shaker Mill dam site, provide and operate the required transmission lines, produce electrical power at said site, sell such power to a local utility which shall be required to purchase said power at rates approved by the department of public utilities, lease or otherwise rent the site and all its hydroelectric equipment, acquire by purchase, lease or otherwise, such hydroelectric equipment and transmission lines as may be required at the site to produce and transmit electrical power, establish a special fund for receipt and disbursement of money relating to the operation of a hydroelectric power generating site, and have any and all powers necessary for the production, transmission and sale of electrical power.

Approved June 29, 1987.

---

**Chapter 185. AN ACT RELATIVE TO MOSQUITO CONTROL BY CITIES AND TOWNS.**

Be it enacted, etc., as follows:

---

**ACTS, 1987. - Chaps. 186, 187.**

Section 5A of chapter 252 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in lines 47 and 48, the words "provided that in taking by eminent domain or acquiring by purchase, gift or otherwise" and inserting in place thereof the words:- including the power to purchase land for the construction of buildings thereon and the purchase of other property for the purpose of storage and maintenance of equipment and other related uses and all construction and erection of buildings on such lands shall be subject to the provisions of section forty of chapter one hundred and thirty-one, where applicable, when taking by eminent domain.

Approved June 29, 1987.

---

**Chapter 186. AN ACT FURTHER REGULATING SMALL LOANS.**

Be it enacted, etc., as follows:

Section 96 of chapter 140 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 this section and sections ninety-six A to one hundred and fourteen A, inclusive, shall apply only to loans made primarily for personal, family or household purpose; provided, however, that the provisions of this section and said sections ninety-six A to one hundred and fourteen, inclusive, shall not apply to loans to any student, or to any parent, legal guardian or sponsor of a student, made by any nonprofit, public or independent post-secondary educational institution within the commonwealth authorized by law to grant degrees, by the commonwealth or by any agency or instrumentality thereof; and provided, further, that such institutions may not take, receive, reserve, or charge interest, expenses and other consideration for making or securing a loan of six thousand dollars or less in excess of those permitted by section one hundred, except in the event of prepayment or refinancing, in whole or in part, of any existing loans by such institution to any such student, or to any such parent, legal guardian or sponsor of a student, which refinancing or prepayment occurs within eighteen months of the date such loan was made.

Approved June 29, 1987.

---

**Chapter 187. AN ACT MAKING AN APPROPRIATION TO FUND A CERTAIN MEMORANDUM OF AGREEMENT BETWEEN THE COMMONWEALTH AND THE MASSACHUSETTS NURSES ASSOCIATION (UNIT 7).**

Be it enacted, etc., as follows:

---

ACTS, 1987. - Chap. 187.

**SECTION 1.** To provide for the cost of salary adjustments and other employee economic benefits authorized by the memorandum of agreement dated February twelfth, nineteen hundred and eighty-seven, between the commonwealth and the Massachusetts Nurses Association (Unit 7), 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 two hundred and six of the acts of nineteen hundred and eighty-six.

**SECTION 2.**

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.**  
Collective Bargaining.

Item

1599-3617 For a reserve to meet the cost of salary adjustments and other employee economic benefits authorized by the memorandum of agreement dated February twelfth, nineteen hundred and eighty-seven, between the commonwealth and the Massachusetts Nurses Association (Unit 7), 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 for the fiscal year nineteen hundred and eighty-seven such amounts as are necessary to meet the costs 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,

---

**ACTS, 1987. - Chaps. 188, 189.**

further, that copies of said collective bargaining 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; provided, further, that no transfers shall be made as authorized herein without prior notification of the house and senate committees on ways and means; and, provided further, that the secretary of administration and finance shall implement said salary adjustments and benefits within sixty days of the effective date of this act \$3,051,000

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

Approved June 30, 1987.

---

**Chapter 188. AN ACT PROVIDING INJUNCTIVE RELIEF FOR VIOLATION OF LAWS RELATIVE TO THE ADEQUATE HEATING OF WORKPLACES.**

Be it enacted, etc., as follows:

Section 113 of chapter 149 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following sentence:- Upon determination by the commissioner that any work room in actual use is not properly heated according to rules and regulations adopted by the department, the commissioner may seek a cease and desist order in the superior court in the county where the work room is located.

Approved June 30, 1987.

---

**Chapter 189. AN ACT RELATIVE TO AUTOMOBILE INSURANCE PAYMENTS FOR COLLISION REPAIR.**

Be it enacted, etc., as follows:

Section 34 O of chapter 90 of the General Laws is hereby amended by adding the following paragraph:-

Notwithstanding the provisions of paragraphs (1) and (2), no insurer shall make payments to a repair shop located in the commonwealth for repairs to a motor vehicle under the collision and limited collision

---

**ACTS, 1987. – Chaps. 190, 191.**

provisions of this section, unless such repairs have been made in a repair shop that certifies that it (a) is owned by or has in its employ a person licensed to appraise motor vehicle collision damage pursuant to section eight G of chapter twenty-six; (b) has in effect a policy of liability insurance for protection of its customers and their property; (c) has obtained a sales and use tax identification number pursuant to chapters sixty-four H and sixty-four I; and (d) has filed notification of hazardous waste activity under chapter twenty-one C and the Federal Resource Conservation and Recovery Act. Such repair shop shall certify on a completed work claim form that it meets these requirements and shall list its applicable registration and policy numbers on such form. The commissioner shall have authority to promulgate regulations for enforcement of the provisions of this paragraph. Any repair shop located in the commonwealth which receives a completed work claim form for repairs to a motor vehicle and which fails to make certification as required herein shall not have a lien on the motor vehicle for any charges claimed to be due it for storage, work and care in connection with the said repairs, notwithstanding the provisions of section twenty-five of chapter two hundred and fifty-five.

Approved June 30, 1987.

---

**Chapter 190. AN ACT RELATIVE TO INCOME AND ASSET INFORMATION PROVIDED TO HOUSING AUTHORITIES.**

Be it enacted, etc., as follows:

Section 32 of chapter 121B of the General Laws, as amended by chapter 266 of the acts of 1986, is hereby further amended by adding the following paragraph:-

In determining the net income and assets of an applicant or tenant for the purpose of computing rent, or determining eligibility for admission, or determining eligibility for continued occupancy, information provided by such applicant or tenant shall be given under the pains and penalties of perjury. Such information, as provided by such applicant or tenant, shall be subject to verification by the housing authority.

Approved June 30, 1987.

---

**Chapter 191. AN ACT EXEMPTING FAMILY DAY CARE HOMES FROM CERTAIN LOCAL ZONING ORDINANCES AND BY-LAWS.**

Be it enacted, etc., as follows:

Section 3 of chapter 40A of the General Laws, as appearing in the



---

**ACTS, 1987. - Chaps. 192, 193**

1984 Official Edition, is hereby amended by inserting after the second paragraph the following paragraph:-

Family day care home, as defined in section nine of chapter twenty-eight A, shall be an allowable use unless a city or town prohibits or specifically regulates such use in its zoning ordinances or by-laws.

Approved June 30, 1987.

---

**Chapter 192. 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 Arthur Sherman, as he is a justice of the Cambridge division of the trial court, in the city of Cambridge on August twenty-second, nineteen hundred and eighty-seven between Ann Patricia Pendergast of the city of Boston and Bruce E. Sadowsky of Cliffside Park, New Jersey, and the state secretary shall issue to said Arthur Sherman in his capacity aforesaid, a certificate of such authorization.

Approved July 2, 1987.

---

**Chapter 193. AN ACT AUTHORIZING THE DEPARTMENT OF SOCIAL SERVICES TO ENTER INTO INTERSTATE COM-PACTS ON ADOPTION AND MEDICAL ASSISTANCE.**

Be it enacted, etc., as follows:

Chapter 18B of the General Laws is hereby amended by adding the following section:-

Section 22. As used in this section, unless the context clearly requires otherwise, the following terms shall have the following meanings:-

"Adoption assistance state", the state that is a signatory to an adoption assistance agreement in a particular case.

"State", a state of the United States, the District of Columbia, the commonwealth of Puerto Rico, the Virgin Islands, Guam, the commonwealth of the Northern Mariana Islands or a territory or possession of or administered by the United States.

"Residence state", the state in which the child is a resident by virtue of the residence of the adoptive parents.

The department, with the concurrence of the department of public welfare may develop, participate in the development of, negotiate and enter into one or more interstate compacts on behalf of the commonwealth with other states to implement one or more of the following purposes: for the protection of children on behalf of whom adoption assistance is being provided by the department; and to provide procedures for adoption assistance payments and medical payments for interstate children. When so entered into, and for so long as it shall remain in force, such a compact shall have the force and effect of law.

A compact entered into pursuant to the provisions of this section shall have: a provision making it available for joinder by all states; a provision for withdrawal from the compact upon written notice to the parties, but with a period of one year between the date of such notice and the effective date of such withdrawal; a requirement that the protection afforded by or pursuant to the compact continue in force for the duration of the adoption assistance and be applicable to all children and their adoptive parents who, on the effective date of the withdrawal, are receiving adoption assistance from a party state other than the one in which they are resident and have their principal place of abode; a requirement that each instance of adoption assistance to which the compact applies be covered by an adoption assistance agreement, in writing, between the adoptive parents and the state child welfare agency of the state which undertakes to provide the adoption assistance and that any such agreement be expressly for the benefit of the adopted child and enforceable by the adoptive parents and the state agency providing the adoption assistance; and such other provisions as may be appropriate to implement the proper administration of the compact.

A child with special needs who is a resident of the commonwealth and who is the subject of an adoption assistance agreement with another state, shall be entitled to receive a medical assistance identification from the commonwealth, upon the filing, in the department of public welfare, of a certified copy of the adoption assistance agreement obtained from the adoption assignment state. In accordance with regulations of the department, the adoptive parents shall be required, at least annually, to show that the agreement is still in force or has been renewed.

The department of public welfare shall consider the holder of a medical assistance identification pursuant to this section as any other holder of a medical assistance identification under the laws of the commonwealth and shall process and make payment on claims on account of that holder in the same manner and pursuant to the same conditions and procedures as set forth for other recipients of medical assistance.

Whoever submits any claim for payment or reimbursement for services or benefits, pursuant to this section or the making of any statement in connection therewith, which claim or statement the maker knows or should know to be false, misleading or fraudulent shall be guilty of perjury and subject to criminal and civil liability under the laws of the commonwealth.

---

ACTS, 1987. – Chap. 194.

The provisions of this section shall apply only to medical assistance for children under adoption assistance agreements from states that have entered into a compact with the commonwealth under which such other state provides medical assistance to children with special needs under adoption assistance agreements made in the commonwealth. All other children entitled to medical assistance, pursuant to adoption assistance agreements entered into by the commonwealth shall be eligible to receive such medical assistance in accordance with the laws and procedures relative thereto.

Consistent with federal law, the department, pursuant to the provisions of this section, and any compact entered into hereunder, shall include in any state plan made pursuant to the Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272, Titles IV-E and XIX of the United States Social Security Act, and any other applicable federal laws, the provision of adoption assistance and medical assistance for which the federal government pays some or all of the cost. Said department shall apply for and administer all relevant federal aid, in accordance with law.

Approved July 2, 1987.

EMERGENCY LETTER: July 23, 1987 @ 4:42 P.M.

---

**Chapter 194. AN ACT RELATIVE TO SPECIAL HOMESTEAD PROTECTION FOR ELDERLY AND DISABLED PERSONS.**

Be it enacted, etc., as follows:

Chapter 188 of the General Laws is hereby amended by inserting after section 1 the following section:-

Section 1A. The real property of persons sixty-five years of age or older, regardless of marital status, or of a person who is physically or mentally disabled and as a result of such disability, upon proper proof, is unable to engage in substantial gainful employment, shall be protected against seizure by execution of judgment to the amount of one hundred and fifty thousand dollars; provided, however, that such person has filed an elderly or disabled person declaration of homestead protection at the registry of deeds in the county wherein such person resides, and, provided, further, that the real property is utilized by such person as his principal residence. The following shall be exempt from the provisions of this section: federal, state and local taxes, assessments and liens; first and second mortgages held by financial institutions or others; and any and all debts or contracts incurred prior to the filing of the declaration of if the real property is sold or transferred during any such homeowners' lifetime.

Approved July 2, 1987.

**Chapter 195. AN ACT REQUIRING CERTAIN PERSONS TO PROVIDE CERTAIN INFORMATION AND RECORDS OF HAZARDOUS MATERIAL AND OIL UPON REQUEST TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING.**

Be it enacted, etc., as follows:

Section 8 of chapter 21E of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the first sentence the following sentence:– Where necessary to ascertain facts relevant to, or not available at, the site or vessel where hazardous materials or oil are located, all persons described in paragraph (a) of section 5 shall, upon request of any officer, employee or duly authorized representative of the department, furnish information relating to said hazardous material or oil and shall permit said officers, employees and authorized representatives to have access to, and to copy all records relating to said oil and hazardous material.

Approved July 2, 1987.

---

**Chapter 196. AN ACT AUTHORIZING THE DEPUTY COMMISSIONER OF CAPITAL PLANNING AND OPERATIONS TO ACQUIRE CERTAIN PARCELS OF PUBLIC LAND IN THE CITY OF SALEM 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, 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, the hereinafter described parcel of public land in the city of Salem which is being used by said city for school purposes and to transfer the care, custody and control of said parcel of land to the department of public works for highway purposes in conjunction with the replacement of the Beverly-Salem Bridge and Bypass Project, so-called.

Said parcel is more particularly bounded and described as follows:– PARCEL 3-5. Westerly by land now or formerly of the Massachusetts Bay Transportation Authority about two hundred sixty-one (261) feet; northerly by Burnside Street about nine (9) feet; easterly by land now or formerly of the city of Salem about two hundred sixty-one (261) feet. Containing about seven hundred eighty-three (783) square feet more or less.

**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 within the provisions of section one of chapter six hundred and ninety-three of the acts of nineteen hundred and fifty-five the hereinafter described permanent highway drainage and permanent wall easements over parcels of land owned by the city of Salem which are being used by said city for school purposes and to transfer said permanent easements to the department of public works as permanent highway drainage easements and permanent wall easements in conjunction with the replacement of the Beverly-Salem Bridge and Bypass Project, so-called.

Said parcels are more particularly bounded and described as follows:-

PARCEL 3-D-15-C. (easement for highway drainage purposes) Westerly by land now or formerly of the city of Salem about one hundred sixty-six (166) feet; northerly by Burnside Street about fifteen (15) feet; easterly by land now or formerly of the city of Salem about one hundred sixty-seven (167) feet; and southerly by land now or formerly of the city of Salem about fifteen (15) feet. Containing about two thousand four hundred sixty-eight (2,468) square feet more or less.

PARCEL 3-W-6. (wall easement) Westerly by land now or formerly of the Massachusetts Bay Transportation Authority about fifty-nine (59) feet; westerly by land now or formerly of the city of Salem about two hundred sixty-one (261) feet; northerly by land now or formerly of the city of Salem about fifteen (15) feet; easterly by land now or formerly of the city of Salem about three hundred twenty-one (321) feet; southerly by Skerry Street about fourteen (14) feet. Containing about four thousand seven hundred thirty-one (4,731) square feet more or less.

**SECTION 3.** 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, the hereinafter described parcel of public land in the city of Salem which is being used by said city for park purposes and to transfer the care, custody and control of said parcel of land to the department of public works for highway purposes in conjunction with the replacement of the Beverly-Salem Bridge, Bypass Project, so-called.

Said parcel more particularly bounded and described as follows:-

PARCEL 3-8. Westerly by land now or formerly of the Massachusetts Bay Transportation Authority about one hundred forty-seven (147) feet; northerly by March Street about twenty-two (22) feet; easterly by land now or formerly of the city of Salem about one hundred forty-seven (147) feet; southerly by land now or formerly of Mollie Litman and Matilda Litman about eighteen (18) feet. Containing about two thousand nine hundred forty (2,940) square feet more or less.

**SECTION 4.** 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, the hereinafter described permanent highway drainage and wall easements over parcels of land owned by the city of Salem which are being used by said city for park purposes and to transfer said permanent easements to the department of public works as permanent highway drainage easements and permanent wall easements in conjunction with the replacement of the Beverly-Salem Bridge and Bypass Project, so-called.

Said parcels are more particularly bounded and described as follows:-

PARCEL 3-D-9-C. (easement for highway drainage purposes) Westerly by land now or formerly of the city of Salem about one hundred forty-seven (147) feet; northerly by March Street about one hundred ten (110) feet; easterly by land now or formerly of Ellen R. Pelletier and Arthur C. Carr about fifteen (15) feet; southerly by land now or formerly of the city of Salem about thirty-eight (38) feet; southeasterly by land now or formerly of the city of Salem about eighty-seven (87) feet; easterly by land now formerly of the city of Salem about seventy (70) feet; southerly by land now or formerly of Mollie Litman and Matilda Litman about fifteen (15) feet; excluded is land now or formerly of the city of Salem bounded by three (3) courses; easterly about forty-seven (47) feet; southerly about forty-two (42) feet; northwesterly about sixty-eight (68) feet. Containing about four thousand four hundred five (4,405) square feet more or less.

PARCEL 3-W-8. (wall easement) Westerly by land now or formerly of the city of Salem about one hundred forty-seven (147) feet; northerly by March Street about fifteen (15) feet; easterly by land now or formerly of the city of Salem about one hundred forty-seven (147) feet; southerly by land now or formerly of Mollie Litman and Matilda Litman about fifteen (15) feet. Containing about two thousand two hundred five (2,205) square feet more or less.

PARCEL 3-W-11-C. (wall easement) Westerly by land now or formerly of the city of Salem about fifteen (15) feet; northerly by March Street about ninety-five (95) feet; easterly by land now or formerly of Ellen R. Pelletier and Arthur C. Carr about fifteen (15) feet; southerly by land now or formerly of the city of Salem about ninety-five (95) feet; containing about one thousand four hundred twenty-five (1,425) square feet.

The parcels of land and easements described in this section and sections one, two and three are shown on sheet ten of a plan entitled, "Salem-Beverly Bridge in the city of Salem and Beverly, Essex County, Federal Aid Project BRF-54 (111), Preliminary Right of Way Plan" Revised February 27, 1986, prepared by H.W. Lochner Inc., Consulting Engineer, Boston, Massachusetts which plan is on file with the chief engineer of the department of public works.

Approved July 2, 1987.

---

**ACTS, 1987. - Chaps. 197, 198.**

**Chapter 197. AN ACT PROVIDING FOR ELDERLY REPRESENTATION TO COUNTY COMMISSIONERS.**

Be it enacted, etc., as follows:

Chapter 34 of the General Laws is hereby amended by inserting after section 14 the following section:-

Section 14A. In any county which accepts this section by vote of the county commissioners, the chairman of the county commissioners shall appoint a senior citizen to serve as an associate commissioner for affairs concerning the elderly. Said associate commissioner shall serve for a one year term, coterminous with the chairman's term of office. This associate commissioner shall have no powers or authority in the county government, but shall advise the county commissioners on affairs of the elderly and act as an ombudsman for senior citizens and elder agencies located within the county.

Approved July 2, 1987.

---

**Chapter 198. AN ACT LIMITING THE TIME IN WHICH LAWSUITS MAY BE COMMENCED BY PRISONERS.**

Be it enacted, etc., as follows:

Chapter 260 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. If the person entitled thereto is a minor, or is insane when a right to bring an action first accrues, the action may be commenced within the time hereinbefore limited after the disability is removed.

Approved July 2, 1987.

---

ACTS, 1987. - Chap. 199.

Chapter 199. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND EIGHTY-EIGHT 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 and two A, for the several purposes and subject to the conditions specified in said sections two, two A, and three, are hereby appropriated from the General Fund unless specifically designated otherwise, 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-eight, in this act referred to as the year nineteen hundred and eighty-eight, or for such period as may be designated.

SECTION 1A. To provide for a program of studies, preparation of plans, construction, reconstruction, renovation, alteration, and improvement of various state institutions and properties, for and the purchase of furnishings, equipment, and motor vehicles, the sums set forth in sections two B through two G, 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

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	\$110,000
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	\$988,000
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	\$300,000



ACTS, 1987. - Chap. 199.

Item

House of Representatives.

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	\$481,624
0123-0000 For	the salary of the chaplain of the house of representatives	\$13,520
0124-0000 For	the office of the house counsel	\$1,081,000
0125-0000 For	the office of the house committee on rules	\$1,190,280
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
0126-0000 For	the office of the house committee on ways and means	\$968,000
0127-0000 For	clerical and other expenses of the members of the house of representatives	\$2,601,144
0127-0020 For	administrative and legislative aides to the members of the house of representatives	\$3,319,680
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	\$50,000
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	\$400,000
0127-0040 For	office supplies and other expenses of the house of representatives	\$685,896
0129-0000 For	the expenses of televising sessions of the house of representatives	\$500,000

Sergeant-at-Arms.

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
0132-1000 For	the salaries of clerks employed in the legislative document room	\$359,905
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

ACTS, 1987. – Chap. 199.

Item

0135-0000 For	the rental, maintenance and updating of an electric roll call system, prior appropriation continued	\$30,000
---------------	---	----------

Other Expenses.

0141-0000 For	the expenses of the legislative research council	\$9,000
0142-0000 For	the legislative research bureau, prior appropriation continued	\$669,115
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	\$4,600,000
0144-0100 For	the expenses of the office of the house committee on personnel administration	\$56,524
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	\$26,000
0163-0000 For	the expenses of the joint committees 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
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	\$98,000
0169-7102 For	the office of legislative post audit and oversight bureau of the senate, prior appropriation continued	\$270,000
0169-7103 For	the office of legislative post audit and oversight bureau of the house of representatives	\$954,928

ACTS, 1987. - Chap. 199.

Item		
0181-5002 For	the office of the Science Resource Network; provided, that these funds may be expended upon the written approval of the president of the senate, prior appropriation continued	\$225,000
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.	
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 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 noneducational costs of residential school programs, including residential placement, 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. 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	\$50,000
0185-7804 For	the expenses of the special joint commission on the development of Boston Harbor, prior appropriation continued	\$50,000
0185-7807 For	a study by the house committee on ways and means of the health care needs of the commonwealth, including the needs of the uninsured, the elderly and recipients of public assistance. Said study shall include, but not be limited to, an analysis of the adequacy and cost effectiveness of the current health care delivery system and a projection of future needs and estimated costs	\$100,000
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.	

ACTS, 1987. - Chap. 199.

Item		
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, including but not limited to sections twenty-seven and twenty-seven A of chapter one hundred and eighty-eight of the acts of nineteen hundred and eighty-five, prior appropriation continued	\$75,000
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	\$75,000
0185-7820	For the expenses of the special commission to make an investigation and study relative to the effects of indoor air pollution	\$30,000
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 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	\$60,000
0185-7826	For the expenses of the special committee 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	\$75,000
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	\$50,000
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	\$50,000

Item

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-shell clam and hard-shell 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 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, three members of the house of representatives, the commissioner of insurance and five 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 the executive office of human services, 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, prior appropriation continued	\$125,000
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 material 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	\$50,000
0185-7836 For	the expenses of the joint special committee on redistricting, established by House Order, No. 5840 of nineteen hundred and eighty-five, prior appropriation continued.	
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.	
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 chapter two hundred and six of the acts of nineteen hundred and eighty-six, prior appropriation continued	\$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, prior appropriation continued	\$15,000
0185-7844 For	the expenses of the special joint committee to make an investigation and study relative to the	

ACTS, 1987. - Chap. 199.

Item		
	establishment and expansion of marine passenger transportation in the commonwealth. Said committee shall consist of three members of the senate and seven members of the house of representatives, prior appropriation continued	\$25,000
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 chapter two hundred and six of the acts of nineteen hundred and eighty-six, prior appropriation continued.	
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 chapter two hundred and six of the acts of nineteen hundred and eighty-six, prior appropriation continued	\$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, including related subjects as poverty affects the quality of life in the commonwealth. 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.	
0185-7851 For	the expenses of the special commission to make an investigation and study relative to the division of the department of mental health into a department of mental health and a department of mental retardation, established by section seventy-one of chapter two hundred and six of the acts of nineteen hundred and eighty-six, prior appropriation continued	\$100,000
0185-7852 For	the expenses of the special commission to make an investigation and study relative to establishing a memorial to Henry Cabot Lodge, Jr., established by chapter six of the resolves of nineteen hundred and eighty-five	\$5,000
0185-7853 For	the expenses of the special commission to make an investigation and study of patterns of residential, commercial, industrial and recreational development throughout the commonwealth, and the impact on land use, natural resources, affordable housing, employment, infrastructure, and local governance, established by section one hundred and thirty-three of this act	\$50,000
0185-7854 For	the expenses of the special joint committee to make an investigation and study relative to existing mobile homes and mobile home parks throughout the commonwealth. Said committee shall review all necessary alternatives to the existing problems created by a scarcity of mobile home parks, an increasing shortage of mobile home space and the potential of abnormally high rents for mobile home park accommodations, and the direct effect upon all elderly, low and moderate income residents of such parks. Said committee shall consist of three members of the senate and seven members of the house of representatives	\$50,000
0185-7855 For	the expenses of the special commission to make an investigation and study relative to school bus safety standards, established by chapter three of the resolves of nineteen hundred and eighty-four	\$30,000
0185-7856 For	the expenses of the special commission to make an investigation and study relative to the	

ACTS, 1987. - Chap. 199.

Item		
	availability of workers in long-term care services for the elderly, established by section one hundred and three of this act	\$50,000
0185-7857 For	the expenses of the special commission to make an investigation and study relative to motor carrier safety, established by section one hundred and four of this act	\$50,000
0185-7858 For	the expenses of the special commission to make an investigation and study relative to examining the procedures of admitting drug-alcohol patients for detoxification and extended drug-alcohol education and rehabilitation by insurance companies and health maintenance organizations and the denial of coverage for extended hospitalizations, established by chapter two of the resolves of nineteen hundred and eighty-five	\$100,000
0185-7859 For	the expenses of the special commission to make an investigation and study of ways in which private initiative and responsibility can help to end poverty in the Commonwealth. Among other initiatives, said commission shall examine the feasibility and potential of (1) allowing wages to supplement assistance grants, (2) using grants as wage subsidies, (3) targeting child support collections, and (4) developing new businesses that could employ recipients of public assistance. Said commission shall consist of three representatives of the senate, three representatives of the house, a representative of welfare advocacy groups, a representative of the business community, a representative of the department of transitional assistance, and a representative of the executive office of human services	\$50,000
0185-7860 For	the expenses of a special commission to study how to provide universally accessible and affordable early childhood programs	\$50,000
0185-7861 For	the expenses of the special commission to prepare plans for the observance of the Quin-centennial of the Voyages of Discovery of Christopher Columbus	\$35,000
0185-7862 For	the expenses of the special commission to make an investigation and study of feasible, cost-effective economic conversion strategies for defense contract industries, appropriation	\$100,000
0185-7863 For	the expenses of the special senate committee on long range policy planning to make an investigation and study of major economic, technological and social trends and development which will significantly impact the commonwealth, its citizens, its families and its business environment through the remainder of this century	\$100,000

INSPECTOR GENERAL.

0200-0100 For	the administration and expenses of the office of inspector general, including not more than thirty-four positions	\$1,357,304
---------------	---	-------------

JUDICIARY.

Notwithstanding the provisions of section one to the contrary, items 0320-0001 to 0339-2300 are charged as follows:-

ACTS, 1987. - Chap. 199.

Item

General Fund	25.0%
Local Aid Fund	75.0%

Supreme Judicial Court.

0320-0001 For	the salaries, traveling allowances and expenses of the chief justice and of the six associate justices	\$586,400
0320-0003 For	the 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; provided further, that not less than two hundred and forty-five thousand dollars shall be obligated for the continuation of the gender bias study; provided further, that not less than thirty thousand dollars shall be obligated to a study determining the automation possibilities of the supreme judicial court and ensuring compatibility with the appeals court system; provided further, that not less than fifty thousand dollars shall be obligated to the establishment of a public information office within the supreme judicial court; and provided further, that not less than seventy-five thousand dollars shall be obligated to expand computerized assisted legal research within the supreme judicial court, prior appropriation continued	\$3,763,910
0320-0004 For	the salaries and expenses of recalled justices of the appellate courts	\$256,500
0321-0001 For	the expenses of the commission on judicial conduct	\$173,822
0321-0002 For	the salaries and expenses of the judicial training institute; provided, that fifty thousand dollars of said funds shall be available only if the supreme judicial court adopts rules providing for mandatory judicial training pursuant to section one hundred and forty-two of this act on or before October first, nineteen hundred and eighty-seven; and provided further, that on or before June first, nineteen hundred and eighty-eight the institute shall submit to the house and senate committees on ways and means and to the joint committee on the judiciary a written plan detailing a comprehensive pre-service and in-service training needs assessment and program plan, including management training, for judicial and non-judicial personnel in the court system, including not more than five positions	\$400,000
0321-0100 For	the service of the board of bar examiners	\$492,370
0321-1500 For	the committee for public counsel services as authorized by chapter two hundred and eleven D of the General Laws, including not more than two hundred and two positions, prior appropriation continued	\$29,000,000
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 one million, eighty-two thousand, nine hundred and seventeen dollars shall be obligated for a disability representation project; provided further, that not less than four hundred ninety-three thousand and one hundred dollars shall be obligated for a medicare advocacy project; provided further, that not less than three hundred eighty-three thousand and	



ACTS, 1987. - Chap. 199.

Item

	seven hundred 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 or the United States Immigration Reform and Control Act of 1986 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	\$1,959,717
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	\$297,594
0321-2100 For	a correctional legal services committee	\$418,600
<u>Appeals Court.</u>		
0322-0001 For	the salaries, traveling allowances and expenses of the chief justice and of the nine associate justices	\$771,900
0322-0002 For	the salaries and expenses of the appeals court	\$2,424,600
<u>Trial Court.</u>		
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 eighty-one positions	\$20,125,260
0330-0200 For	the salaries of the recalled justices of the trial court	\$1,399,520
0330-0300 For	the salaries and expenses of the administrative staff, including not more than seventy-eight positions	\$3,125,000
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	\$6,350,000
0330-0600 For	dental and optical health plan trust agreements	\$1,000,000
0330-1000 For	payments of expenses of juries	\$4,216,280
0330-2000 For	salaries and expenses of certain law libraries, including not more than thirty positions	\$2,576,973
0330-2010 For	expenses related to computerized legal research	\$117,000

ACTS, 1987. – Chap. 199.

Item		
0330-2020 For	centralized law book purchases	\$261,138
0330-2030 For	expenses of the social law library located in Suffolk county	\$605,000
0330-2040 For	phase II of the computerization of the social law library	\$400,000
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 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	\$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	\$215,000
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
0330-2500 For	clerical assistance for the divisions of the trial court, including not more than ten positions	\$593,000
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 revenue 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	\$70,000
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; and provided further, that such rules and regulations shall provide criteria such that newly appointed justices shall be given first priority for such training	\$1,200,000
0330-2700 For	printing expenses, prior appropriation continued	\$1,237,826
0330-2800 For	repairs of equipment	\$1,946,790
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	

ACTS, 1987. – Chap. 199.

Item		
	equipment whenever the terms offered by such vendor are more favorable than those otherwise available	\$4,723,497
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-seven shall be considered a full-time court officer for fiscal year nineteen hundred and eighty-eight; and provided further, that 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	\$10,525,000
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	\$1,114,514
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, however, that the hiring of employees for said positions shall be in accordance with all laws regulating discrimination in hiring practices including, but not limited to, the provisions of the ninth paragraph of section nine of chapter two hundred and eleven B of the General Laws; and 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 twenty positions	\$200,000
0330-3700 For	salaries and expenses of the Court Interpreter Program, including not more than two positions	\$69,450
0330-3800 For	an administrative reserve for the trial court; provided that the office of the chief administrative justice shall develop caseload management standards by February first, nineteen hundred and eighty-eight to serve as guidelines for the establishment and implementation of caseload management plans by the seven court departments by fiscal year nineteen hundred and ninety; provided further, that by December first, nineteen hundred and eighty-seven the office of the chief administrative justice, in consultation with the departmental administrative justices, shall review the trial court's personnel classification system and establish a personnel allocation plan for the purpose of making recommendations to be included in the budget request of the trial court for fiscal year nineteen hundred and eighty-nine; provided further, that the office of the chief administrative justice, in consultation with the departmental administrative justices, shall assess the automation status and needs of the trial court for the purpose of establishing a comprehensive automation plan for the trial court which ensures compatibility within the trial court and with the automated systems developed in the appellate courts by December first, nineteen hundred and eighty-seven; provided further, that not less than five systems analyst positions, two statistical information positions, one planning position, five budget analyst positions, five accounting and purchasing positions, one telecommunications position, and three audit and payroll positions shall be established within the office of the chief administrative justice; provided further, that not less than ten performance auditor positions, six secretary positions, and one coordinator of community mediation position shall be established within the district	

ACTS, 1987. – Chap. 199.

Item

court administrative office; provided further, that not less than five regional coordinator positions and five secretary court administrative office; provided further, that not less than one law clerk position shall be established within the probate and family court administrative office; provided further, that not less than five additional positions shall be allocated by the office of the chief administrative justice to the departmental administrative offices as deemed necessary; provided further, that not less than six court administrator positions shall be established as a pilot project within six district courts to be selected by the office of the chief administrative justice in consultation with the district court administrative justice; provided further, that not less than ten law clerks, ten secretaries, and four court stenographer positions shall be established within the superior court department; provided further, that not less than ten law clerk positions shall be established within the district court department; provided further, that not less than three secretary positions shall be established within the probate and family court department; provided further, that not less than two law clerk positions shall be established within the juvenile court department; provided further, that not less than one hundred and fifty thousand dollars shall be obligated for the district court mediation study; provided further, that a schedule of the allocation of positions and resources from this item shall be submitted to the house and senate committees on ways and means; and provided further, that no allocation of positions or resources shall occur without the prior approval of the house and senate committees on ways and means, including not more than one hundred positions \$2,100,000

Superior Court.  
For Salaries and Expenses.

0331-0100 For the salaries and expenses of the administrative staff, including not more than nineteen positions	\$645,829
0331-0200 For clerical assistance to the justices, including not more than seventy-three positions	\$2,023,889
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	\$96,000
0331-0600 For the expenses of superior court probation services, including not more than two hundred and forty positions	\$6,598,641
0331-2100 Barnstable superior court, including not more than seven positions	\$230,916
0331-2200 Berkshire superior court, including not more than seven positions	\$219,807
0331-2300 Bristol superior court, including not more than thirty-one positions	\$932,734
0331-2400 Dukes superior court, including not more than two positions	\$80,728
0331-2500 Essex superior court, including not more than forty positions	\$1,198,289
0331-2600 Franklin superior court, including not more than six positions	\$189,050
0331-2700 Hampden superior court, including not more than thirty-six positions	\$1,126,534

ACTS, 1987. – Chap. 199.

Item

0331-2800 Hampshire superior court, including not more than eight positions	\$260,248
0331-2900 Middlesex superior court, including not more than ninety-seven positions	\$2,737,050
0331-3000 Nantucket superior court, including not more than two positions	\$82,471
0331-3100 Norfolk superior court, including not more than thirty-eight positions	\$1,082,730
0331-3200 Plymouth superior court, including not more than thirty-five positions	\$929,011
0331-3300 Suffolk superior civil court, including not more than one hundred and twenty-three positions	\$3,111,220
0331-3310 Suffolk superior criminal court, including not more than sixty-nine positions	\$1,599,193
0331-3400 Worcester superior court, including not more than forty-five positions	\$1,299,146

District Courts.  
For Salaries and Expenses.

0332-0100 For the salaries and expenses of the administrative staff, including not more than fifteen positions	\$584,355
0332-1100 First district court of Barnstable, including not more than forty-five positions	\$1,255,135
0332-1200 Second district court of Barnstable (Orleans), including not more than twenty-five positions	\$728,678
0332-1300 District court of northern Berkshire (Adams, North Adams, Williamstown), including not more than thirteen positions	\$411,081
0332-1400 District court of central Berkshire (Pittsfield), including not more than twenty-two positions	\$645,886
0332-1500 District court of southern Berkshire (Great Barrington, Lee), including not more than ten positions	\$333,706
0332-1600 First district court of Bristol (Taunton), including not more than thirty-three positions	\$922,778
0332-1700 Second district court of Bristol (Fall River), including not more than fifty-six positions	\$1,437,412
0332-1800 Third district court of Bristol (New Bedford), including not more than fifty-five positions	\$1,495,272
0332-1900 Fourth district court of Bristol (Attleboro), including not more than twenty-six positions	\$732,661
0332-2000 District court of Edgartown, including not more than nine positions	\$235,612
0332-2100 First district court of Essex (Salem), including not more than forty positions	\$1,169,366
0332-2200 Second district court of Essex (Amesbury), including not more than fourteen positions	\$438,207
0332-2300 Third district court of Essex (Ipswich), including not more than six positions	\$170,221
0332-2400 Central district court of northern Essex (Haverhill), including not more than thirty-four positions	\$997,939
0332-2500 District court of eastern Essex (Gloucester), including not more than nineteen positions	\$544,544
0332-2600 District court of Lawrence, including not more than fifty-three positions	\$1,543,840
0332-2700 District court of southern Essex (Lynn), including not more than fifty-five positions	\$1,479,944
0332-2800 District court of Newburyport, including not more than twelve positions	\$367,733
0332-2900 District court of Peabody, including not more than twenty-eight positions	\$836,935
0332-3000 District court of Greenfield, including not more than twenty-four positions	\$657,603
0332-3100 District court of Orange, including not more than twelve positions	\$311,357
0332-3200 District court of Chicopee, including not more than twenty-four positions	\$635,039
0332-3300 District court of Holyoke, including not more than twenty-five positions	\$725,402
0332-3400 District court of eastern Hampden (Palmer), including not more than seventeen positions	\$523,552
0332-3500 District court of Springfield, including not more than one hundred and fourteen positions	\$2,993,522

ACTS, 1987. - Chap. 199.

Item

0332-3600 District court of western Hampden (Westfield), including not more than twenty-one positions	\$603,786
0332-3700 District court of Hampshire (Northampton); provided, that of the amount appropriated herein, fifty thousand dollars shall be expended for an alternative probation program "Honor Court", so-called, including not more than forty-four positions	\$1,240,047
0332-3800 District court of eastern Hampshire (Ware); provided further, that there will be a session of the court on Tuesday of each week and provided further, that the court will be open Monday through Friday of each week, including not more than ten positions	\$291,006
0332-3900 District court of Lowell, including not more than eighty-two positions	\$2,218,690
0332-4000 District court of Somerville, including not more than sixty-seven positions	\$1,803,388
0332-4100 District court of Newton, including not more than twenty-eight positions	\$840,470
0332-4200 District court of Marlborough, including not more than twenty-three positions	\$692,448
0332-4300 District court of Natick, including not more than nineteen positions	\$550,977
0332-4400 District court of eastern Middlesex (Malden), including not more than sixty-three positions	\$1,712,112
0332-4500 Second district court of eastern Middlesex (Waltham), including not more than forty-two positions	\$1,159,572
0332-4600 Third district court of eastern Middlesex (Cambridge), including not more than one hundred and six positions	\$2,816,127
0332-4700 Fourth district court of eastern Middlesex (Woburn), including not more than fifty-nine positions	\$1,601,298
0332-4800 First district court of northern Middlesex (Ayer), including not more than thirty-two positions	\$896,228
0332-4900 First district court of southern Middlesex (Framingham), including not more than fifty-five positions	\$1,542,820
0332-5000 District court of central Middlesex (Concord), including not more than forty-one positions	\$1,179,664
0332-5100 District court of Nantucket, including not more than eight positions	\$176,339
0332-5200 District court of northern Norfolk (Dedham), including not more than fifty-five positions	\$1,610,503
0332-5300 District court of east Norfolk (Quincy), including not more than one hundred and twenty-three positions	\$3,293,971
0332-5400 District court of western Norfolk (Wrentham), including not more than thirty-six positions	\$992,346
0332-5500 District court of southern Norfolk, including not more than forty-five positions	\$1,251,402
0332-5600 Municipal court of Brookline, including not more than twenty-four positions	\$709,083
0332-5700 District court of Brockton, including not more than eighty-three positions	\$2,407,701
0332-5800 Second district court of Plymouth (Hingham), including not more than forty-four positions	\$1,245,176
0332-5900 Third district court of Plymouth (Plymouth), including not more than forty-two positions	\$1,168,685
0332-6000 Fourth district court of Plymouth (Wareham), including not more than thirty-five positions	\$987,810
0332-6100 District court of Brighton, including not more than thirty-five positions	\$997,765
0332-6200 District court of Charlestown, including not more than eighteen positions	\$638,926
0332-6300 District court of Chelsea, including not more than forty-eight positions	\$1,336,231
0332-6400 District court of Dorchester, including not more than one hundred and eighteen positions	\$3,107,056
0332-6500 District court of East Boston, including not more than forty-six positions	\$1,343,856
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	\$3,430,171

ACTS, 1987. - Chap. 199.

Item

0332-6700 District court of South Boston, including not more than twenty-four positions	\$772,369
0332-6800 District court of West Roxbury, including not more than forty-five positions	\$1,312,259
0332-6900 Central district court of Worcester, including not more than eighty-eight positions	\$2,298,289
0332-7000 District court of Fitchburg, including not more than twenty-five positions	\$722,988
0332-7100 District court of Leominster, including not more than twelve positions	\$358,031
0332-7200 District court of Winchendon, including not more than three positions	\$122,223
0332-7300 First district court of northern Worcester (Gardner), including not more than twenty-five positions	\$753,751
0332-7400 First district court of eastern Worcester (Westborough), including not more than thirty positions	\$774,591
0332-7500 Second district court of eastern Worcester (Clinton), including not more than thirteen positions	\$362,972
0332-7600 First district court of southern Worcester (Dudley), including not more than twenty-six positions	\$728,823
0332-7700 Second district court of southern Worcester (Uxbridge), including not more than sixteen positions	\$402,469
0332-7800 Third district court of southern Worcester (Milford), including not more than nineteen positions	\$606,614
0332-7900 District court of western Worcester (Spencer), including not more than twelve positions	\$359,271
0332-8100 Middlesex juvenile probation district; provided that, not less than one hundred thousand dollars shall be expended for counselling, outreach and family services, including not more than twenty-five positions	\$820,823
0332-8200 Northern Essex juvenile probation district, including not more than twelve positions	\$373,609
0332-8300 Berkshire juvenile probation district, including not more than seven positions	\$218,479
0332-8500 Northern Worcester juvenile probation district, including not more than eleven positions	\$337,603
0332-8600 Southern Worcester juvenile probation district, including not more than ten positions	\$304,475

Probate and Family Court Department.  
For Salaries and Expenses.

0333-0002 For the salaries and expenses of the probate and family court department; provided, that of the amount appropriated herein not less than one hundred and ninety-seven thousand dollars and five positions shall be made available to the administrative office; provided further, that not less than five hundred and sixty thousand dollars and twenty-four positions shall be made available to Barnstable probate court; provided further, that not less than three hundred and sixty-nine thousand dollars and fourteen positions shall be made available to Berkshire probate court; provided further, that not less than one million one hundred and ninety-five thousand dollars and forty-six positions shall be made available to Bristol probate court; provided further, that not less than ninety-two thousand dollars and three positions shall be made available to Dukes probate court; provided further, that not less than one million four hundred and forty-five thousand dollars and fifty-six positions shall be made available to Essex probate court; provided further, that not less than three hundred and sixteen thousand dollars and eleven positions shall be made available to Franklin probate court; provided further, that not less than one million five hundred and fourteen thousand dollars and fifty-nine positions shall be made available to Hampden probate court; provided further, that not less than

ACTS, 1987. – Chap. 199.

Item

four hundred and ninety-four thousand dollars and seventeen positions shall be made available to Hampshire probate court; provided further, that not less than two million seven hundred and forty-four thousand dollars and one hundred and fifteen positions be made available to Middlesex probate court; provided further, that not less than one hundred and eighteen thousand dollars and six positions shall be made available to Middlesex family service clinic; provided further, that not less than sixty thousand dollars and two positions shall be made available to Nantucket probate court; provided further, that not less than one million eight hundred and fifty-eight thousand dollars and seventy-three positions shall be made available to Norfolk probate court; provided further, that not less than one hundred and fifty-five thousand dollars and five positions shall be made available to Norfolk family service clinic; provided further, that not less than one million two hundred and sixty-six thousand dollars and fifty-three positions shall be made available to Plymouth probate court; provided further, that not less than two million two hundred and thirty-five thousand dollars and ninety-three positions shall be made available to Suffolk probate court; and provided further, that not less than one million four hundred and twenty-nine thousand dollars and fifty-five positions shall be made available to Worcester probate court, including not more than six hundred and thirty-seven positions

\$16,888,608

Land Court.

0334-0001 For the salaries and expenses of the office of the land court, including not more than seventy-six positions

\$2,059,810

Boston Municipal Court.

0335-0001 For salaries and expenses of the Boston municipal court, including not more than one hundred and eighty-five positions

\$5,050,000

Housing Court.  
For Salaries and Expenses.

0336-0002 For the salaries and expenses of the housing court department; provided, that of the amount appropriated herein not less than seven hundred and ninety-three thousand dollars and twenty-eight positions shall be made available to Boston housing court; provided further, that not less than two hundred and ninety-five thousand dollars and eleven positions shall be made available to the Hampden housing court; and provided further, that not less than three hundred and fifteen thousand dollars and eleven positions shall be made available to Worcester housing court, including not more than fifty positions

\$1,476,568



ACTS, 1987. - Chap. 199.

Item

Juvenile Court.  
For Salaries and Expenses.

0337-0002 For the salaries and expenses of the juvenile court department; provided, that of the amount appropriated herein not less than four hundred and fifty-seven thousand dollars and twelve positions shall be made available to the administrative office; provided further, that not less than three million seven hundred and sixty-seven thousand dollars and one hundred and six positions shall be made available to the Boston juvenile court; provided further, that not less than one million two hundred and ninety-two thousand dollars and forty-eight positions shall be made available to Bristol juvenile court; provided further, that not less than eight hundred and seventy-five thousand dollars and thirty-one positions shall be made available to Springfield juvenile court; and provided further, that not less than eight hundred and forty-five thousand dollars and twenty-eight positions shall be made available to Worcester juvenile court, including not more than two hundred and twenty-five positions

\$7,616,155

Committee on Probation.

0339-1001 For the office of the commissioner of probation, including not more than one hundred and thirty-two positions

0339-2100 For the administration of juror selection and management, in accordance with chapter two hundred and thirty-four A of the General Laws, including not more than twenty-five positions

\$3,200,883

\$1,333,277

Judicial Council.

0339-2200 For the service of the council, including not more than two positions

\$35,000

**DISTRICT ATTORNEYS.**

Notwithstanding the provisions of section one to the contrary, items 0340-0100 to 0340-2100, excluding 0340-2000 are charged as follows:

General Fund	25.0%
Local Aid Fund	75.0%

For the salaries of district attorneys and assistants for the eleven districts:

0340-0100 Suffolk, including not more than two hundred positions

0340-0111 Suffolk, for child support enforcement activities, including not more than five positions

\$7,611,754

\$150,000

ACTS, 1987. -- Chap. 199.

Item

0340-0140 For overtime of state police officers assigned to the Suffolk District Attorney's office, to be an addition to any other funds available for this purpose	\$82,152
0340-0200 Northern, including not more than one hundred and sixty-six positions	\$5,760,860
0340-0222 Northern, for child support enforcement activities, including not more than eight positions	\$185,000
0340-0240 For overtime of state police officers assigned to the Northern District Attorney's office, to be an addition to any other funds available for this purpose	\$130,752
0340-0300 Eastern, including not more than ninety-two positions	\$3,375,000
0340-0333 Eastern, for child support enforcement activities, including not more than seven positions	\$164,380
0340-0340 For overtime of state police officers assigned to the Eastern District Attorney's office, to be an addition to any other funds available for this purpose	\$97,704
0340-0400 Middle, including not more than ninety-two positions	\$3,823,259
0340-0444 Middle, for child support enforcement activities, including not more than three positions	\$85,032
0340-0450 For overtime of state police officers assigned to the Middle District Attorney's office, to be an addition to any other funds available for this purpose	\$129,312
0340-0500 Hampden, including not more than seventy positions	\$2,544,566
0340-0555 Hampden, for child support enforcement activities, including not more than six positions	\$216,832
0340-0560 For overtime for state police officers assigned to the Hampden District Attorney's office, to be an addition to any other funds available for this purpose	\$90,351
0340-0600 Northwestern, including not more than thirty-eight positions	\$1,557,677
0340-0666 Northwestern, for child support enforcement activities, including not more than three positions	\$31,396
0340-0670 For overtime of state police officers assigned to the Northwestern District Attorney's office, to be an addition to any other funds available for this purpose	\$85,968
0340-0700 Norfolk, including not more than seventy-eight positions	\$3,389,781
0340-0777 Norfolk, for child support enforcement activities, including not more than four positions	\$85,653
0340-0780 For overtime of state police officers assigned to the Norfolk District Attorney's office, to be an addition to any other funds available for this purpose	\$49,167
0340-0800 Plymouth, including not more than seventy-one positions	\$2,525,000
0340-0888 Plymouth, for child support enforcement activities, including not more than four positions	\$103,117
0340-0890 For overtime of state police officers assigned to the Plymouth District Attorney's office, to be an addition to any other funds available for this purpose	\$119,520
0340-0900 Bristol, including not more than sixty positions	\$2,652,340
0340-0940 For overtime of state police officers assigned to the Bristol District Attorney's office, to be an addition to any other funds available for this purpose	\$81,540
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-four positions	\$1,110,842
0340-1011 Cape and Islands, for child support enforcement activities, including not more than two positions	\$33,768
0340-1040 For overtime of state police officers assigned to the Cape and Islands District Attorney's office to be an addition to any other funds available for this purpose	\$85,968

ACTS, 1987. - Chap. 199.

Item

0340-1100	Berkshire, including not more than twenty-two positions	\$925,000
0340-1111	Berkshire, for child support enforcement activities, including not more than two positions	\$45,311
0340-1140	For overtime of state police officers assigned to the Berkshire District Attorney's office, to be an addition to any other funds available for this purpose	\$65,376
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	\$724,991

EXECUTIVE.

Governor.

0411-1000	For the salaries of the governor and officers and employees in the governor's office	\$1,798,884
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	\$459,576
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 Northeast Governors, the New England Governors' Conference, and the Northeast-Midwest Institute	\$567,975
0411-1140	For personnel and administrative expenses for the Office of Constituent Services, Community Services and Women's Issues	\$253,661
0411-1150	For staff to the governor, including the Governor's Office of Economic Development, the Governor's Office of Human Resources, the Governor's Office of Educational Affairs and the Governor's Office of AIDS Policy	\$1,292,083
0411-9000	For the office of federal relations	\$805,009

**ACTS, 1987. – Chap. 199.**

Item

Lieutenant Governor.

0412-1000	For the salary of the lieutenant governor and for personal services for the lieutenant governor's office	\$550,000
-----------	--	-----------

Governor's Council.

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.**

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	\$5,561,359
0511-0200	For the administration of the Archives Division	\$531,053
0511-0230	For the expenses of the Record Center	\$180,000
0511-0250	For the maintenance and operation of the Archives Facilities	\$704,397
0511-0260	For the administration of the Commonwealth Museum	\$351,790
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	\$371,017
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	\$2,689,148
0524-0000	For expenses of compiling and publishing information to voters	\$33,000

Massachusetts Historical Commission.

0526-0100	For the administration of the commission	\$729,914
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
-----------	--	----------

ACTS, 1987. – Chap. 199.

Item

Records Conservation Board.

0528-0100 For the expenses of the board \$22,583

Commission on Interstate Cooperation.

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 \$193,703

Office of Campaign and Political Finance.

0531-0100 For the expenses and administration of the office of campaign and political finance \$424,000

**TREASURER AND RECEIVER-GENERAL.**

0610-0000 For the office of the treasurer and receiver-general, prior appropriation continued \$9,556,414

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 \$1,289,185

0611-5500 For additional assistance to cities and towns to be distributed under the provisions of section three of this act, and for certain public entities of the commonwealth which have constructed abatement facilities; provided, however, that the said distribution to said public entities shall equal one million three hundred forty-six thousand and sixty-four dollars, and that the said distribution to cities and towns shall include the sum of the distributions to each such jurisdiction in fiscal year nineteen hundred and eighty-seven as follows: one million four hundred thirty thousand and fifty-eight dollars, as authorized by section thirty-seven of chapter twenty-one of the General Laws, and appropriated by account 2240-0500 of chapter one hundred and forty-two of the acts of nineteen hundred and eighty-six; fifteen million five hundred and thirty-five thousand six hundred and ninety-four dollars, as authorized by sections thirteen to seventeen of chapter fifty-eight of the General Laws, and appropriated by account

ACTS, 1987. - Chap. 199.

Item

	1233-1000 of chapter two hundred and six of the acts of nineteen hundred and eighty-six; two hundred fifty-four thousand and thirty-eight dollars, as authorized by section seventeen B of chapter fifty-eight of the General Laws, and appropriated by account 1233-1500 of chapter two hundred and six of the acts of nineteen hundred and eighty-six; three hundred fifty-seven thousand five hundred and seventy dollars, as authorized by section eight of chapter six hundred and thirty-five of the acts of nineteen hundred and sixty, and appropriated by account 1233-3000 of said chapter two hundred and six; four hundred and forty-one thousand five hundred and twenty-five dollars, pursuant to account 1233-3200 of said chapter two hundred and six; and five million three hundred and seventy-six thousand six hundred and forty dollars, authorized by chapter three hundred and thirty-five of the acts of nineteen hundred and eighty-two and appropriated by account 6005-0023 of said chapter two hundred and six	\$816,031,479
	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-eight; and provided further, that no city or town shall receive more than the amount so certified for that city or town	\$1,562,000
	Local Aid Fund	100.0%
<u>State Board of Retirement.</u>		
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	\$2,762,953
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-eight shall be transferred to the pension reserve fund of the state employees' retirement system, prior appropriation continued	\$227,900,000
	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 three 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,	

ACTS, 1987. - Chap. 199.

Item

	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-eight 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		\$90,500,000
	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		\$13,193,000
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		\$25,000,000
	General Fund	50.0%	
	Local Aid Fund	50.0%	
0612-1900 For	the authorization 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		\$90,000
0612-2000 For	the compensation of veterans who may be retired by the state board of retirement, including individuals formerly in the service of the division of employment security whose compensation for such service was paid in full from a grant from the federal government, and for the cost of medical examinations in connection therewith		\$15,700,000
	Highway Fund	22.0%	
	General Fund	78.0%	
0612-3000 For	pensions of retired judges or their widows		\$3,500,000
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%	

ACTS, 1987. - Chap. 199.

Item

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	\$150,000
	Highway Fund	66.0%
	General Fund	34.0%

Commission on Firemen's Relief.

0620-0000 For	the expenses of administration and for relief disbursed by the commissioner	\$11,117
---------------	---	----------

Emergency Finance Board.

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
---------------	--	----------

Retirement Law Commission.

0635-0000 For	the administration of the commission	\$128,997
0635-0001 For	the cost of the retirement law commission's research projects; provided, that fifty thousand dollars shall be allocated for a study of the levels of retirement benefits currently being paid to public retirees and the cost of restoring the purchasing power of inadequate retirement benefits to reasonable levels; and provided further, that said study shall be completed no later than April first, nineteen hundred and eighty-eight and shall be sent to the commissioner of administration and the house and senate committees on ways and means	\$175,000

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	
---------------	--	--



ACTS, 1987. - Chap. 199.

Item

	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	\$58,238,796
0640-0096 For	the purpose of the commonwealth's contributions for the fiscal year nineteen hundred and eighty-eight 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, that said contributions shall be paid to such trust fund on such basis as said collective bargaining agreement provides	\$110,000
0640-0100 For	the expenses of the operation and administration of the arts lottery	\$3,202,300
<u>Arts Lottery Council.</u>		
0640-0300 For	the expenses of the operation of the arts lottery council	\$397,000
<u>Debt Service.</u>		
0699-1800 For	the payment of interest on certain bonded debt of the commonwealth previously charged to the State Recreation Areas Fund	\$3,673,876
	Local Aid Fund 100.0%	
0699-1801 For	the payment of discount on the sale of bonds of the commonwealth previously charged to the State Recreation Areas Fund	\$31,477
	Local Aid Fund 100.0%	
0699-1900 For	certain serial bonds maturing previously charged to the State Recreation Areas Fund	\$2,793,743
	Local Aid Fund 100.0%	
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	\$9,199
	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	\$50,000
	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	\$5,232,488
0699-3801 For	the payment of discount on the sale of bonds of the commonwealth previously charged to the Metropolitan Water District Fund	\$40,106

ACTS, 1987. - Chap. 199.

Item		
0699-3900 For	certain serial bonds maturing previously charged to the Metropolitan Water District Fund	\$6,139,157
0699-4800 For	the payment of interest on certain bonded debt of the commonwealth previously charged to the Metropolitan Sewerage District Fund	\$4,086,990
0699-4801 For	the payment of discount on the sale of bonds of the commonwealth previously charged to the Metropolitan Sewerage District Fund	\$40,524
0699-4900 For	certain serial bonds maturing previously charged to the Metropolitan Sewerage District Fund	\$6,147,876
0699-5800 For	the payment of interest on certain bonded debt of the commonwealth previously charged to the Metropolitan Parks District Fund	\$4,138,612
	Local Aid Fund	100.0%
0699-5801 For	the payment of discount on the sale of bonds of the commonwealth previously charged to the Metropolitan Parks District Fund	\$27,603
	Local Aid Fund	100.0%
0699-5900 For	certain serial bonds maturing previously charged to the Metropolitan Parks District Fund	\$5,565,518
	Local Aid Fund	100.0%
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	\$69,542,256
	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	\$562,622
	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	\$67,793,966
	Highway Fund	100.0%
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, prior appropriation continued	\$166,138,105
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	\$2,651,758
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, prior appropriation continued	\$186,052,616
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	\$1,815,130
	Government Land Bank Fund	100.0%

ACTS, 1987. - Chap. 199.

Item

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		\$393
	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		\$1,294,077
	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 Inland Fisheries and Game Fund		\$260,249
	Inland Fisheries and Game Fund	100.0%	
0699-8301 For	payment of discount of 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 Inland Fisheries and Game Fund		\$3,292
	Inland Fisheries and Game 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 Inland Fisheries and Game Fund		\$721,708
	Inland Fisheries and Game Fund	100.0%	
0699-8400 For	payment of interest on 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 the Local Aid Fund		\$878,226
	Local Aid Fund	100.0%	
0699-8402 For	certain serial bonds maturing; provided, that any deficit existing in this item at the close of the fiscal year shall be charged to the Local Aid Fund		\$741,567
	Local Aid Fund	100.0%	
0699-9100 For	the payment of interest on 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, prior appropriation continued.		

AUDITOR OF THE COMMONWEALTH.

0710-0000 For	the office of the auditor, prior appropriation continued		\$11,250,000
0710-0100 For	the administration and expenses of the bureau of local mandates		\$884,959

DEPARTMENT OF THE ATTORNEY GENERAL.

0810-0000 For	the office of the attorney general, prior appropriation continued		\$13,900,000
	General Fund	98.0%	
	Victim and Witness Assistance Fund	2.0%	

**ACTS, 1987. – Chap. 199.**

**Item**

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	\$1,597,498
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	\$430,970
	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	\$20,650
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 January first, nineteen hundred and eighty-eight	\$477,271
	Victim and Witness Assistance Fund 100.0%	
0840-0105 For	discretionary grants to be distributed by the victim and witness assistance board to the attorney general, the parole board, and the district attorneys in accordance with the provisions of chapter two hundred and fifty-eight B of the General Laws and section eighty-seven of this act; and pursuant to allocation schedules subject to the approval of the house and senate committees on ways and means	\$1,005,220
	Victim and Witness Assistance Fund 100.0%	

**STATE ETHICS COMMISSION.**

0900-0100 For	the administration and expenses of the state ethics commission, including not more than twenty-eight positions	\$978,402
---------------	--	-----------

**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 and the Governor's revenue advisory board be filed quarterly with the	
---------------	---	--

ACTS, 1987. – Chap. 199.

Item

chairmen of the house and senate committees on ways and means, including not more than sixty-six positions \$2,355,198

Office of Quality Assurance.

1100-1101 For the office of quality assurance for mentally retarded class members, which shall be a state office to monitor quality of care provided to retarded citizens who are covered by the consent decrees under Ricci et al v. Callahan et al \$181,369

Fiscal Affairs Division.

1101-2100 For the administration of the division, including not more than fifty-five positions \$2,567,912

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, 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; 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; provided further, that a complete report shall be filed on or before January fifteenth, nineteen hundred and eighty-eight, with the house and senate committees on ways and means; provided further, that said office of management information systems is hereby authorized and directed to schedule expenditures for any software development project or system purchased for which the total budgeted cost will exceed five hundred thousand dollars, including but not limited to the Massachusetts public assistance control system, the recipient eligibility verification system, the provider management system, the Massachusetts management accounting and reporting system, the masstax system, the automated licensing and registration system, and the regents management system; and provided further, that said office of management information systems is hereby authorized and directed to implement a chargeback system for its bureau of

ACTS, 1987. - Chap. 199.

Item

computer services which complies with the requirements of section forty-five, including not more than three hundred and sixty-six positions \$18,649,129

Division of Capital Planning and Operations.

- 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 further, 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 further, that said space requirements and any incidental expenses attendant thereto shall be at no cost to the commonwealth, and provided further, that not less than ninety-four thousand dollars and five positions be allocated for a court facilities bureau, including not more than three hundred and twenty-seven positions \$9,989,657
- 1102-3212 For a study by the Springfield Civic Center Commission relative to architectural planning for expansion of the Springfield Civic Center Arena \$40,000
- 1102-3290 For the administration of the state house arts commission; provided, that not less than fifty thousand dollars be available for the inventory and conservation of art objects in the state house \$83,575

Bureau of State Buildings.

- 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, provided, that not less than one hundred thousand dollars be available for the restoration and preservation of the historic flags displayed in the state house hall of flags, including not more than one hundred and sixty-eight positions \$19,309,701

Office of Telecommunications.

- 1102-4050 For the administration and operation of an office of telecommunications, including not more than seventeen positions \$592,813

Motor Vehicle Management Bureau.

- 1102-5201 For the expenses and administration of a motor vehicles management bureau, including not more than fifteen positions \$421,000

ACTS, 1987. - Chap. 199.

Item

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, prior appropriation continued \$1,553,588

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-seven, 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 \$5,248,123

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 \$4,034,391

Purchasing Agent's Division.

1104-1000 For the administration of the division, including not more than fifty-seven positions \$1,778,165  
1104-1010 For an office of purchased services, including not more than four positions \$240,000

Office of Handicapped Affairs.

1107-2400 For the office of handicapped affairs; provided, that not less than fifty thousand dollars be spent on implementation of the recommendations of the governor's task force on accessible transportation, including a citizen's advisory committee which shall be a subcommittee of the office of handicapped affairs advisory council, and provided that not less than sixty-three thousand five hundred dollars be spent to restore legal advocacy services to disabled persons, including not more than fifteen positions \$722,675

ACTS, 1987. - Chap. 199.

Item

Office of Human Resource Administration.

1108-0100 For	the administration of the office in accordance with the provisions of section forty-seven of this act, including not more than six positions	\$242,000
---------------	--	-----------

Department of Personnel Administration.

1108-1000 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 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 forty-three positions	\$7,163,364
1108-1010 For	the expenses of the Massachusetts employee assistance program; provided that funds appropriated herein shall be expended only for direct services through contracted vendors	\$919,343
1108-1011 For	the administration of the civil service commission, including not more than eleven positions	\$311,068
1108-2500 For	the office of affirmative action, including not more than fourteen positions	\$507,887
1108-2600 For	the administration of the county personnel board, including not more than two positions	\$57,929
1108-3000 For	the administration of the office of employee relations; provided, that during the negotiation of any collective bargaining agreement the commissioner of administration shall file with the chairmen of the house and senate committees on ways and means any and all economic proposals necessary to fund any incremental cost items to be contained in any and all collective bargaining proposals or counterproposals which the administration offers or intends to offer to the various classified public employees' unions with which it negotiates; provided further, that the nature and scope of such economic proposals shall include all fixed percentage or dollar base rate salary adjustments, nonbase payments or other forms of compensation and all supplemental fringe benefits resulting in any incremental costs, including not more than twenty positions	\$909,000
1108-3200 For	the purposes of the commonwealth's contributions for the fiscal year nineteen hundred and eighty-eight to health and welfare funds established pursuant to certain collective bargaining agreements; provided, 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	\$12,100,000



ACTS, 1987. - Chap. 199.

Item

1108-3602 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 Alliance, AFSCME/SEIU, AFL-CIO (Units 2, 4, 8, and 10)	\$793,000
1108-3603 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)	\$265,000
1108-3606 For	the purpose of meeting the commonwealth's obligations pursuant to the provisions of articles nineteen, twenty-three and twenty-five A of the collective bargaining agreement between the commonwealth and the National Association of Government Employees, Local RI-219 (Unit 3)	\$40,000

TEACHERS' RETIREMENT ADMINISTRATION.

1108-4010 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 fifty positions	\$1,487,586
1108-4011 For	the development and delivery of pre-retirement planning programs for the active members of the teachers' retirement system	\$33,190
1108-4100 For	the payment of retirement assessments of teachers formerly in military or naval service	\$1,000
1108-4200 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-eight shall be transferred to the pension reserve fund of the teachers retirement system, prior appropriation continued	\$22,900,000
	Local Aid Fund	100.0%
1108-4300 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-eight shall be transferred to the pension reserve fund of the teachers' retirement system, prior appropriation continued	\$213,000,000
	Local Aid Fund	100.0%
1108-5100 For	administration of the group insurance program, including not more than eighty-one positions	\$2,190,468
1108-5200 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-eight 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	

ACTS, 1987. - Chap. 199.

Item

	fiscal year nineteen hundred and eighty-eight; 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 of 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 chapter 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 of 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.	
1108-5300 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.	\$251,977,155
1108-5400 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	\$5,799,418
<u>Division of Public Employee Retirement Administration.</u>		
1108-6100 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	\$3,572,000
1108-6200 For	the purposes of workers' compensation paid to public employees, including previous fiscal years	\$27,771,604
	Highway Fund	35.0%
	General Fund	65.0%

ACTS, 1987. - Chap. 199.

Item

Division of Administrative Law Appeals.

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 \$511,838

George Fingold Library.

1120-4005 For the administration of the library; 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 thirty positions \$1,125,455

Council on the Arts and Humanities.

1121-0100	For the administration of the council, including not more than twenty-five positions		\$1,148,270
	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 non-professional activities, to be in addition to any federal funds available for the purpose; provided further, that not less than five million dollars be spent for the purposes of the Community Resource Act as provided in section thirty-six of chapter sixty-nine of the General Laws, as amended; provided further, that not less than three million dollars be spent for science cultural organizations and programs; provided further, that not less than five hundred thousand dollars shall be spent on grants in connection with a cultural exchange program with the Soviet Union; provided further, that not less than one hundred thousand dollars shall be obligated for a grant program of "scholars in residence"; and provided further, that not less than two hundred and eighty thousand dollars shall be obligated for the evaluation of programs administered by the council		\$20,550,000
	General Fund	75.9%	
	Local Aid Fund	24.1%	

ACTS, 1987. – Chap. 199.

Item

1121-0120 For the relocation and expansion of the Bronson museum of the Massachusetts archaeological society \$200,000

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 fifty-three positions \$1,904,277

Department of Revenue.

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 C 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 reporting 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 \$81,265,104

Highway Fund 10.0%  
General Fund 90.0%

1201-0160 For the administration of the child support enforcement unit, including not more than six hundred forty-seven positions \$21,578,781

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 \$5,100,000

Highway Fund 10.0%  
General Fund 90.0%

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

ACTS, 1987. - Chap. 199.

Item

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

		\$8,150,000
Local Aid Fund	100.0%	

Bureau of Local Taxation.

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%	
1233-3100 For	reimbursing certain cities and towns for fifty per cent of career incentive salary increases for police officers		\$6,700,000
	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.

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		\$1,129,591
---------------	--	--	-------------

Miscellaneous.

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		
---------------	---	--	--

ACTS, 1987. - Chap. 199.

Item

	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 state or other 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	\$21,970,203
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	\$200,000
1599-2056 For	a reserve to meet the cost of the retirement law commission research projects; 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 committee on ways and means, prior appropriation continued.	
1599-3100 For	the payment of contributions of the unemployment compensation fund to support the cost of certain employment security benefits; provided, that notwithstanding 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-seven and ending June thirtieth, nineteen hundred and eighty-eight; provided further said amount which is so charged shall be based upon	

Item

	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-seven.	
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 seventy-three thousand six hundred and seventy-six dollars; Berkshire, one hundred ninety-four thousand seven hundred and seventy-four dollars; Bristol, two hundred ninety-three thousand nine hundred and fifty dollars; Dukes, sixty-four thousand six hundred and forty-two dollars; Essex, four hundred nineteen thousand seven hundred forty-three dollars; Franklin, one hundred sixty-seven thousand eight hundred and one dollars; Hampden, three hundred ninety-six thousand five hundred and fifty-one dollars; Hampshire, one hundred seventy-five thousand two hundred and seventy dollars; Middlesex, six hundred twenty-three thousand seven hundred and sixty-five dollars; Nantucket, twenty thousand dollars; Norfolk, four hundred twelve thousand five hundred and thirty-one dollars; Plymouth, four hundred thirty-two thousand nine hundred and sixty-two dollars; Suffolk, three hundred ninety-nine thousand three hundred and twenty-eight dollars; Worcester, three hundred seventy-four thousand fifty-four 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 appropriated herein and that any unexpended balance of such fund as of June thirtieth, nineteen hundred and eighty-eight, shall be returned to the commonwealth	\$4,249,047
	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	\$800,000
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	

ACTS, 1987. - Chap. 199.

Item

	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; and provided further, 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; provided further, that of the sum appropriated herein, not less than three hundred and sixty thousand dollars shall be obligated to reimburse cities and towns for the school breakfast act	\$860,000
	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; provided, that 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, prior appropriation continued.	
	Highway Fund	50.0%
	General Fund	50.0%
1599-3524 For	the implementation of chapter seven hundred and sixty-one of the acts of nineteen 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; and 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	\$800,000
1599-3526 For	the purpose of preservation and restoration of art objects in the state house; provided that this project shall be administered by the state house art 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	\$100,000
1599-3620 For	a reserve to meet the fiscal year nineteen hundred and eighty-eight and prior fiscal years' costs of salary adjustments and other employee economic benefits authorized by certain collective bargaining agreements, 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 agreements; provided, 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,	



Item

	further that said secretary is hereby authorized to spend from the sum appropriated herein, and to transfer therefrom to other items of appropriation and allocations thereof for the fiscal year nineteen hundred and eighty-eight where the amounts otherwise available are insufficient for the purpose, such amounts as are necessary to meet the cost of said adjustments and benefits; 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 agreements, together with analyses 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, shall be filed with the house and senate committees on ways and means prior to the transfer or expenditure of any amounts necessary to meet the cost of said adjustments and benefits; and provided further, that no transfers shall be made as authorized herein without prior approval of the house and senate committees on ways and means	\$21,573,000
1599-3627 For	a reserve for reimbursement to cities and towns for the costs of implementing chapter three hundred and ninety-nine of the acts of nineteen hundred and eighty-six; provided, that the secretary of administration shall establish guidelines for reimbursing cities and towns for reasonable costs related to said implementation	\$10,000
1599-3628 For	a reserve to establish a long term care database, a model for a long term care insurance plan, and an educational program on long term care needs and services and to pursue related matters proceeding from the 1987 Report of the Special Commission on Elderly Health Care; provided that expenditures from this reserve shall be approved by the Governor's Office of Human Resources; provided further, that prior to the establishment of said database, model, and educational program, an inter-agency council shall be convened by the Governor's Office of Human Resources, to function as a subcommittee of the Human Resources Cabinet, said council shall consist of the Secretaries of the Executive Offices of Consumer Affairs, Human Services, Elder Affairs, and Administration and Finance and shall consult with the Massachusetts long term care foundation, representatives of the academic community, and other interested parties; provided further, that said inter-agency council shall be responsible for the following: coordinating long-term care policy and budget initiatives between the Executive Office of Elder Affairs and the Executive Office of Human Services, resulting in the preparation of an annual long term care budget; proposing a State administrative structure for coordinating long term care programs by 1989; proposing a local administrative structure for coordinating assessment and authorization of long term care services purchased by the State and a proposed long term care insurance plan, said administrative structure to be in place by 1990; developing and implementing a single assessment tool for authorizing home health, home care and nursing home services purchased by the State; and developing and implementing a single State definition of geographic long term care areas; and provided further, that quarterly reports on the progress of this inter-agency council shall be submitted to the committee on	

ACTS, 1987. - Chap. 199.

Item		
1599-3629 For	health care, the committee on human services, the Special Commission on Elderly Health Care, and the house and senate committees on ways and means	\$285,000
	a reserve to fund a study of day care in the commonwealth which shall include an examination of existing state policy making, planning, administrative and coordination functions for day care, and make recommendations regarding the best plan for organizing these and any other functions pertinent to maximizing benefits to children and families; provided, that funds may be expended directly from this reserve or may be transferred to other items of appropriation	\$25,000
1599-3696 For	reimbursement to the town of Belchertown and other communities and fire district in fighting the tire fire of July 28, 1986 through August 1, 1986	\$115,856
1599-3697 For	a reserve to meet the cost of unforeseen expenses related to the provision of services to acquired immune deficiency syndrome patients and for the treatment of acquired immune deficiency syndrome patients admitted to public health hospitals, including the costs related to non-major repairs and renovations necessary to accommodate said patients and the cost of patient care related equipment; provided, that all revenue received by public health hospitals from third party payors for the provision of services to acquired immune deficiency syndrome patients shall be repaid to the general fund by the end of the fiscal year nineteen hundred and eighty-eight	\$500,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Office of the Secretary.

Notwithstanding any provision of general or special 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.

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	
---------------	--	--

ACTS, 1987. – Chap. 199.

Item

	other of those state agencies within the executive office of environmental affairs, whereby the department may render data processing services to said agencies, including not more than seventy-three positions		\$2,844,904
	General Fund	87.5%	
	Local Aid Fund	12.5%	
2000-0150	For the expenses of the Martha's Vineyard Commission		\$140,000
2000-0160	For the expenses of the Blackstone River Valley National Heritage Corridor Commission		\$50,000
2000-0200	For the administration of the office of research, testing and standards, provided that not less than three hundred and fifty thousand dollars be expended to quantify Boston Harbor dredging needs and to study and make recommendations on disposal methods and on sites which can be obtained, utilized, and managed, including not more than four positions		\$350,000
2000-0250	For the administrative expenses of an independent special commission to review the management needs of the executive office of environmental affairs		\$200,000
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 with the house and senate committees on ways and means		\$500,000

Hazardous Waste Facility Site Safety Council.

2050-0100	For the administration of the hazardous waste facility site safety council, including not more than four positions		\$230,760
2050-0200	For technical assistance grants to cities and towns, as authorized in chapter twenty-one D of the General Laws; provided that no less than one hundred and fifty thousand dollars shall be expended for implementation of a geographic information system for environmental data in Massachusetts, prior appropriation continued.		
2050-0305	For reimbursement of expenses incurred by the Warren Local Assessment Committee relative to the IT Corporation hazardous waste facility siting process		\$79,700
2050-0310	For compensation of services provided by local assessment committees, per diem		\$40,000

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

ACTS, 1987. - Chap. 199.

Item

in the line items below. If, within thirty days of notification of said alterations in programmatic undertakings, no action had 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-seven, 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, including not more than one hundred and forty-five positions	\$6,333,765
2100-0165 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 Phase II of the master plan and for the construction of an early action component for the Blackstone River and Canal Heritage State Park within the Monument Square section of the town of Blackstone, prior appropriation continued	\$100,000
2100-0166 For	a study and if necessary, preparation of plans for a visitors center at the Natural Bridge State Park in North Adams	\$50,000
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 pool, shall not be subject to the provisions of chapter thirty-one of the General Laws; including not more than three hundred and ninety-nine positions	\$17,397,975
	Local Aid Fund	75.0%
	General Fund	25.0%
2120-1100 For	the expense of programs in forest management and development, including forestry assistance	

ACTS, 1987. -- Chap. 199.

Item		
	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	\$4,150,000
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 twenty thousand dollars be obligated for a shuttle bus at the Heritage State Park in Lynn; provided further, that not less than twenty thousand dollars be expended for the Holyoke Park Railroad, including not more than fifty-five positions	\$1,814,639
2120-1505 For	a grant to the city of Salem for municipal police patrols at Salem Willows	\$30,000
	Local Aid Fund 100.0%	
2120-1506 For	a grant to the city of Newburyport and town of Newbury for the improvement of public safety, public health and public access on the public beaches within said communities	\$40,400
2120-1602 For	repairs to Griswold, Hawkes and Walden Pond dams, prior appropriation continued.	
2120-1603 For	repairs to South Hopedale Well, prior appropriation continued.	
2120-1604 For	repairs to Onset Pier in Wareham, prior appropriation continued.	
	Local Aid Fund 100.0%	
2120-2000 For	the initial cost of cleaning up the Westport River, priority to be given to the area known as the "Head of Westport"	\$50,000
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 hundred and seventy; provided, that this appropriation be used for the rehabilitation and dredging of McKinstry Pond in Oxford, including related environmental reports of engineering studies that the division deems necessary prior to the actual commencement of dredging activities; provided, that this appropriation be used for a direct grant to the town of Halifax for the management and restoration of Monponsett Pond in the towns of Halifax and Hanson, for the purpose of shoreline aquatic weed raking consisting of fifteen thousand linear feet, sixty thousand dollars; provided further, for a study to size and design open sand filters and to remove suspended solids from seven storm drains, thirty thousand dollars, prior appropriation continued.	\$90,000
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.	
2150-0513 For	the design, evaluation, study and repair of the dam within the Ames Nowell Park in the town of Abington, prior appropriation continued.	
2150-0544 For	the operations of the North River commission, provided that the amount of twenty-five	

ACTS, 1987. – Chap. 199.

Item

thousand dollars shall be obligated for the operating expenses of the North River commission; and provided further that the amount of fifty thousand dollars shall be obligated for the continuation of the North and South River pollution management program, prior appropriation continued

\$75,000

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 following programs: 1) the division of water pollution control, 2) the division of water supply, 3) the division of solid and hazardous waste, 4) the division of wetlands and waterways, 5) the division of air quality control, 6) the shellfish program, 7) the bureau of solid waste, 8) the Lawrence Experimental station, 9) implementation of the Water Management Act, 10) a contract with the University of Massachusetts for environmental research, and 11) the Right-to-Know program; provided that the department, 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-seven, 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, provided further, that the TAGA van conduct air quality testing in the town of Billerica, including not more than six hundred and seventeen positions

\$23,620,278

2200-0188 For a reserve for certain additional expenses of the administration of the department; provided that no funds may be expended from this item prior to the approval by the secretary of environmental affairs and the secretary of administration and finance of a plan for the organization of the department, including not more than sixty-six positions, provided further, that not less than two positions and one hundred and seventy-five thousand dollars be obligated for a program of drinking water testing; provided further, that not less than four positions be obligated for implementation of the water management act; provided further, that not less

ACTS, 1987. - Chap. 199.

Item		
	than four positions be obligated for the construction grants program; provided further, that not less than three positions be obligated for implementation of amendments to the federal safe drinking water act; and provided further, that one position be obligated for an attorney for the division of water supply	\$1,772,464
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	\$80,000
2200-0304 For	the testing of the Cochato River and the Richardi Reservoir in the towns of Braintree, Holbrook and Randolph, prior appropriation continued	\$75,000
2200-0305 For	the purpose of studying alternative water supplies for the communities of Carver, Middleboro, Plymouth and Wareham, prior appropriation continued.	
2200-0310 For	a reimbursement to the City of North Adams for the costs of a water supply study	\$180,000
	Local Aid Fund 100.0%	
2240-0290 For	the cost of state participation in Phase II of the construction of certain lateral sewers in the town of Holbrook	\$7,500
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	\$699,439
	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 nine 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	\$4,000
2250-0901 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 purpose; provided, that an amount not exceeding twenty-eight thousand dollars shall be used for weed control and cleanup at Hoosac Lake in Cheshire	\$28,000
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 to the town of Sutton and to residents before the project begins, with informational meetings held with affected residents, prior appropriation continued.	
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.	

ACTS, 1987. – Chap. 199.

Item

2250-0920	For a grant to a rural water association for assistance to communities for information, technical assistance, training and support for small water systems	\$50,000
-----------	--	----------

**DEPARTMENT OF FISHERIES, WILDLIFE AND  
ENVIRONMENTAL LAW ENFORCEMENT.  
Office of the Commissioner.**

2300-0100	For the office of the commissioner, including not more than eleven positions	\$356,000
2300-0150	For the expenses of a statewide program in riverway protection; provided that, said program shall assist local and regional watershed and planning organization through a grant program and technical assistance to implement and plan river and stream corridor protection plans using acquisition of riparian corridors and monitoring of water quality among other protection techniques; provided further, that no less than thirty thousand dollars shall be obligated for a program of restoring and preserving the environment and recreational quality of the Assabet River; and provided further, that not less than thirty thousand dollars shall be obligated for the purpose of planning for the Blackstone River and its watershed, including not more than one position	\$135,000

Division of Fisheries and Wildlife.

Federal funds received as reimbursements for expenditures from the following items shall be credited as income to the Inland Fisheries and Game Fund.

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	\$947,202
	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	\$73,708
	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 filed with 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	



ACTS, 1987. – Chap. 199.

Item

	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	\$3,548,972
	Inland Fisheries and Game Fund	100.0%
2310-0500 For	the expenses of a state funded program in natural heritage, and environmental assessment, including not more than six positions	\$141,000
2310-0550 For	a program and contracts for acid rain research by the division of fisheries and wildlife, including a contract with the water resources research center at the University of Massachusetts; provided, that not less one hundred thousand dollars be expended for the purpose of a study 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	\$361,627
	Non-Game Wildlife Fund	100.0%
<u>Public Access Board.</u>		
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	\$151,222
<u>Division of Marine Fisheries.</u>		
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, for the operation of a shellfish management program including coastal shellfish bed classification and mapping activities, 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 and provided further, that not more than thirty thousand dollars be made available for a study on depuration expansion options and to reimburse cities and towns for natural depuration expenses; provided further, that said division shall conduct a study of the Ridley turtle in Massachusetts and file the results of its study with the joint committee on natural resources and agriculture by April first, nineteen hundred and eighty-eight, including not more than eighty positions	\$2,274,561

ACTS, 1987. – Chap. 199.

Item

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, prior appropriation continued.	
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 cultivation, propagation, and protection of shellfish in the preceding year; 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; and provided further, funds may be expended for a shellfish economic analysis program	\$400,000
2330-0900 For the purchase of equipment in the division of marine fisheries; provided, that not less than fifty thousand dollars be expended for equipment and repairs at the Cat Cove facility in Salem	\$73,500

Division of Environmental Law Enforcement.

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	\$4,920,000
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	\$183,966
Inland Fisheries and Game Fund	100.0%

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.

ACTS, 1987. - Chap. 199.

Item

2410-1000	For general administration, including not more than forty-one positions		\$1,939,268
	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 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		\$3,600,000

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 and further provided that not more than one hundred and seventeen thousand, five hundred and sixteen dollars be expended for the purpose of managing and operating the visitor's center at the Quabbin Reservoir pursuant to the provisions of chapter five hundred and ninety-two of the Acts of nineteen hundred and eighty-five, including not more than one hundred and ninety-nine positions .		\$6,008,450
2420-1500	For special watershed maintenance		\$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 reservations and interpretive services program at the Harbor Islands and the Blue Hills, Breakheart, Elm Bank, Hemlock Gorge and Middlesex Fells reservations;		
-----------	--	--	--

ACTS, 1987. – Chap. 199.

Item

	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 unless 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, including not more than five hundred and eighty-four positions; provided further, that not less than one hundred and fifty thousand dollars shall be expended for the maintenance and operation of the Elm Bank, Hemlock Gorge reservations		\$31,344,821
	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		\$25,308,472
	Local Aid Fund	33.0%	
	Highway Fund	67.0%	
2440-0017 For	repairs to McCrehan Pool in Cambridge, prior appropriation continued.		
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, the Amerige Park, and the Courtemoline Park, prior appropriation continued		\$250,000
	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		\$80,000
	Local Aid Fund	100.0%	
2440-0022 For	the purpose of increased police patrols at Revere Beach boulevard, provided that not less than eighty thousand dollars be expended for the mounted police patrol of said area		\$145,000
	Local Aid Fund	100.0%	
2440-0023 For	administration of the metropolitan district commission police southwest corridor park system, and Franklin Zoological park, and for payment to the Boston Zoological Society for management of the Franklin Park Zoo and the Stone Zoo, including not more than thirty positions		\$1,416,338

ACTS, 1987. - Chap. 199.

Item

	Local Aid Fund	100.0%	
2440-0024	For the purpose of increased police patrols at the Chestnut Hill Reservoir Reservation		\$25,000
	Local Aid Fund	100.0%	
2440-0025	For the purpose of increased patrols at Breakheart Reservation in the town of Saugus		\$15,000
2440-0027	For the purpose of increased patrols on Wollaston Beach and Quincy Shore Drive		\$30,000
	Local Aid Fund	100.0%	
2440-0028	For the purpose of increased patrols on Winthrop Beach and Winthrop Shore Drive		\$45,000
	Local Aid Fund	100.0%	
2440-0032	For the operation and maintenance of the southwest corridor park system, including not more than fourteen positions		\$1,150,233
	Local Aid Fund	100.0%	
2440-0033	For the purpose of increased patrols at the Mary O'Malley waterfront park in the city of Chelsea		\$35,000
	Local Aid Fund	100.0%	
2440-0036	For the purpose of 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
	Local Aid Fund	100.0%	
2440-0038	For the purpose of 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
	Local Aid Fund	100.0%	
2440-0040	For the repairs and renovations of the Simoni Ice Skating Rink in the city of Cambridge, prior appropriation continued.		
2440-0041	For the maintenance and improvement of Meany Playground in Dorchester		\$60,000
2440-0042	For the maintenance, management, programming and security of the John Fitzgerald Memorial Park in Cambridge		\$40,000
	Local Aid Fund	100.0%	
2440-0043	For planning, operation, maintenance and security along the Charles River Reservation for the Head of the Charles Regatta		\$150,000
2440-0050	For a study of flooding in the cities of Malden and Melrose		\$50,000
2440-0051	For a veterans of foreign wars flag pole in Fort Warren on Georges Island		\$85,000
2440-0052	For the study, design and construction of an athletic field in the town of Canton		\$16,000
2440-0300	For reimbursement to the New England Sports Museum for improvements rendered to a facility of the Metropolitan District Commission		\$250,000
	Local Aid Fund	100.0%	
2444-4591	For the Mystic sailing program at Shore Drive Boat House in Somerville		\$30,000
	Local Aid Fund	100.0%	
2444-5511	For a sailing program at Pleasure Bay		\$30,000

ACTS, 1987. - Chap. 199.

Item

	Local Aid Fund	100.0%	
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		\$2,118,550
	Highway Fund	100.0%	
2444-9004	For certain payments for the maintenance and use of the Trailside Museum and the Chickatawbut Hill Center		\$535,000
	Local Aid Fund	100.0%	
2444-9005	For the operation of street lighting for parkways and boulevards		\$2,400,000
	Highway Fund	100.0%	
2444-9006	For the expenses of holding band concerts		\$55,000
	Local Aid Fund	100.0%	
2444-9008	For the study and investigation of erosion and flooding of East Squantum Street in Quincy		\$40,000
2444-9014	For expenses involved in the refurbishing of the Flynn rink in the city of Medford, prior appropriation continued.		

Construction Division.

2460-1000	For the maintenance of the construction division; 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		\$4,380,000
	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		\$602,411
-----------	--	--	-----------

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; including, a program to manage use of herbicides on public rights-of-ways; and 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-six positions		\$1,874,468
2511-3001	For a program of alar research		\$50,000

ACTS, 1987. – Chap. 199.

Item

2511-3002 For a program to support by means of agreements, contracts and grants the development of integrated pest management systems in Massachusetts agriculture, including the use of biological control; provided, that 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 \$400,000

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 grants and promotion of Massachusetts agriculture; provided, that a sum of not less than ten thousand dollars be expended for the MassSeed program; and provided further, that not more than seventy-five thousand dollars be expended for the agriculture in the classroom program, including not more than twenty-one positions; and provided further, that eighteen thousand dollars shall be obligated for a pilot project for the promotion of direct marketing through the Massachusetts Farmer's Market Coupon Program and the low-income elderly of Brighton-Allston \$1,047,336

Division of Animal Health.

2515-1000 For the administration of the division and for the inspection of poultry products, including not more than twenty-two positions \$716,143

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 funds shall be used for rehabilitation purposes, including not more than four positions, prior appropriation continued \$693,069

Division of Equine Activities.

2518-2500 For the administration of the division, including not more than eight positions \$173,504  
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

ACTS, 1987. - Chap. 199.

Item

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 \$175,000

State Reclamation Board.

2520-0100 For the administration of the board, including not more than three positions 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.		\$99,806
2520-0300 Cape Cod, prior appropriation continued		\$607,660
Local Aid Fund	50.0%	
Mosquito and Greenhead Fly Control Fund	50.0%	
2520-0900 Suffolk county		\$141,000
Local Aid Fund	50.0%	
Mosquito and Greenhead Fly Control Fund	50.0%	
2520-1000 Central Massachusetts		\$658,084
Local Aid Fund	50.0%	
Mosquito and Greenhead Fly Control Fund	50.0%	
2520-1100 Berkshire county		\$107,975
Local Aid Fund	50.0%	
Mosquito and Greenhead Fly Control Fund	50.0%	
2520-1200 Norfolk county		\$433,832
Local Aid Fund	50.0%	
Mosquito and Greenhead Fly Control Fund	50.0%	
2520-1300 Bristol county		\$395,958
Local Aid Fund	50.0%	
Mosquito and Greenhead Fly Control Fund	50.0%	
2520-1400 Plymouth county		\$539,244
Local Aid Fund	50.0%	
Mosquito and Greenhead Fly Control Fund	50.0%	
2520-1500 Essex county		\$462,000
Local Aid Fund	50.0%	
Mosquito and Greenhead Fly Control Fund	50.0%	



Item

**EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.**

Office of the Secretary.

3000-0100	For the office of the secretary, and the general administration of the department; provided, that not less than one hundred thousand dollars shall be obligated for the purposes of the Northern Tier economic development program; including not more than one hundred and thirty-two positions	\$4,400,000
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	\$3,500,000
	Local Aid Fund	100.0%
3000-0301	For the expenses of the council on gateway cities in accordance with the provisions of section seventy of chapter two hundred and six of the acts of nineteen hundred and eighty-six, including not more than five positions	\$166,686
3000-0302	For additional local aid to gateway cities in accordance with the provisions of section seventy of chapter two hundred and six of the acts of nineteen hundred and eighty-six; 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, prior appropriation continued.	
	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; 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 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, prior appropriation continued.	
	Local Aid Fund	100.0%
3300-0000	For the expenses of the American and Canadian French cultural exchange commission	\$15,000
3722-9001	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	

ACTS, 1987. - Chap. 199.

Item

	recommendation of the secretary of the executive office of communities and development, including not more than one position	\$587,447
3722-9002 For	certain financial assistance for housing projects for veterans	\$4,031,444
3722-9018 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; provided, that the department of public welfare and the executive office of communities and development shall jointly develop guidelines governing the supportive services program, so-called; provided further that said guidelines shall be designed to improve the operation and effectiveness of said program including coordination with existing employment and training programs, so called, operated by the department of public welfare; provided further that said guidelines shall be submitted to the house and senate committees on ways and means no later than September twenty-first, nineteen hundred and eighty-seven; provided further, that the secretary may enter into contracts <i>directly with public housing tenant organizations, including</i> not more than two positions	\$5,340,705
3722-9024 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: sixteen million eight hundred and twenty-two thousand eight hundred and eight dollars for veterans and relocated persons; eleven million five hundred and twenty-five thousand seven hundred and nine dollars for the derly; ninety-three thousand seven hundred and forty-nine 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, fifty-seven million seventy-two thousand one hundred and sixty-seven 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 for new certificates made available by the funds appropriated herein, priority be given to "moderate rehabilitation" or "leveraged use" certificates, so-called; provided	

Item

- 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; 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
- 3722-9025 For a program of housing assistance consistent with the program requirements established by the federal government for the program authorized by Public Law 98-181, Section 207; provided that housing assistance necessary to support one thousand households shall be allocated through an interagency agreement between the executive office of communities and development and the department of public welfare to clients of the department of public welfare who are recipients of aid to families with dependent children who are receiving emergency assistance and are temporarily housed in hotels, motels or shelters; provided further, that if it is determined by the secretary of communities and development and the commissioner of public welfare by November first, nineteen hundred and eighty-seven that said housing assistance does not meet the needs of said clients, the department of public welfare shall have access to an equal number of chapter 707 rental assistance certificates, so called, to be funded from this item and administered through local non-profit agencies notwithstanding the provisions to the contrary in section forty-three of chapter one hundred and twenty-one B of the General Laws; provided further, that the house and senate committees on ways and means shall be notified within one week of the determination to use the funds appropriated herein for chapter 707 rental assistance certificates, so called; provided further, that the amount expended for the administration of said program of rental assistance may include supplemental administrative expenditures for said federal program
- 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 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

\$101,104,298

\$6,000,000

ACTS, 1987. - Chap. 199.

Item

	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-five million dollars, prior appropriation continued	\$6,835,553
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.	
3722-9062 For	a pilot program providing grants to housing authorities for continuation of security programs for public housing projects, including team police, police liaison officer, security officer, crime watches and programs for drug and alcohol abuse. Funds appropriated for the purpose of said pilot program may only be made available to offset cutbacks in federal funding previously made available for security programs; provided, that the secretary of the executive office of communities and development shall determine that said housing authorities have made maximum effort to employ all available funds for security purposes before said grants are made; and provided further, that said grants be prioritized among those public housing developments that the secretary of the Executive Office of Communities and Development determines as experiencing the highest per capita incidents of crime which present a danger to residents of said developments; and provided further, that the executive office of communities and development shall submit a report to the house and senate committees on ways and means on or before January first, nineteen hundred and eighty-eight evaluating said security pilot grant program. Said report shall include, for each housing authority which has received said grant, the total security budget, the total amount of the grant received, and an assessment of how said grant has maintained the security program. Said study shall also provide the recommendation of the executive office of communities and development on the continuation of the program and a method of allocating future funds available for this purpose	\$1,000,000
3722-9101 For	reimbursement of cities and towns for the commonwealth's statutory share of federally aided urban renewal	\$522,063
	Local Aid Fund	100.0%

ACTS, 1987. - Chap. 199.

Item		
3722-9102 For	reimbursement of cities and towns for the commonwealth's share of certain nonfederally 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%	
3722-9108 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	\$600,000
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, prior appropriation continued	\$800,000
	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 further, 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	\$9,825,000
3731-2003 For	expenses of community development and municipal program services, including not more than thirty-seven positions	\$1,233,658
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 four positions	\$1,498,031
3743-2029 For	support of the community and economic development activities carried out by the Governor's community development coordinating council in the greater Roxbury community	\$200,000
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 of communities and development 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 said 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	\$380,000
3743-2036 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; provided however, that not less	

ACTS, 1987. - Chap. 199.

Item		
	than fifty per cent of the clients served shall be clients of the department of public welfare, including not more than one position	\$1,700,545
3743-2037 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 further, that the first priority shall be to ensure that 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	\$500,000
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, including not more than one position	\$851,244
3743-2080 For	the expenses of neighborhood anti-arson and fire prevention activities; provided, that contracts are awarded to community-based organizations and agencies or municipal agencies, and that priority shall be given to anti-arson efforts in economically depressed areas and in cases where such assistance will support the development of affordable housing; and provided further, that of the funds appropriated herein, not less than one hundred and seventy-five thousand dollars shall be obligated for the Boston Arson Prevention program to support anti-arson efforts in the city of Boston; and provided further, that of the funds appropriated herein, not less than forty thousand dollars shall be obligated for anti-arson efforts in the city of Fall River	\$300,000
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 nineteen hundred and eighty-one, Title XXVI of the Omnibus Budget Reconciliation Act of nineteen hundred and eighty-one (Public Law 97-35) or any amendments or successor acts thereto. And, for a program of supplemental energy crisis assistance for low income elders and families to be administered in accordance with regulations promulgated under said Low Income Home Energy Assistance Act of nineteen	

ACTS, 1987. - Chap. 199.

Item

	hundred and eighty-one or any amendments or successor acts thereto; provided further, that federal funds are not available at the time of application for assistance by said low income 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 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 more than one hundred and seventy-five per cent of the federal poverty level for one and two-person families; provided, that said program be administered in accordance with the aforementioned federal program or any amendments or successor acts thereto, excluding the income eligibility requirements of said federal program, prior appropriation continued	\$15,000,000
3745-2000 For	a comprehensive emergency weatherization assistance program for Massachusetts individuals and families whose income is 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 recommendations of cost-effective options available to the state for the provision of assistance to low-income persons in 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; provided further, that the funds appropriated herein may be used for the weatherization of buildings redeveloped under the state or federal rental assistance program, including not more than two positions	\$4,000,000
3747-0001 For	the administration of the commission on Indian affairs, including not more than three positions	\$90,203
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,	

ACTS, 1987. - Chap. 199.

Item

and to aid in housing, pursuant to a Homesteading plan, and for the purpose of housing rehabilitation programs in communities with population density in excess of nine thousand people per square mile provided that the municipality from local funds provides a fifty per cent match and provided further that the Massachusetts Housing Partnership funds used for this purpose shall be used in addition to any federal funds allocated for such purpose; 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, including not more than eight positions

\$16,579,036

Massachusetts Housing Partnership Fund

100.0%

EXECUTIVE OFFICE OF HUMAN SERVICES.

Office of the Secretary.

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, including not more than seventy-seven positions

\$2,800,000

4000-0700 For the administration of the office of health policy; provided, that not less than one hundred and seventy-five thousand dollars shall be obligated 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), including not more than nine positions

\$550,000

4000-0710 For a program of operational grants for the purpose of establishing alternatives to incarceration programs to reduce overcrowding in prisons, houses of correction and jails, pursuant to regulations established by the secretary of human services

\$750,000

4000-0720 For a program of technical assistance and purchases of services in support of preparation and implementation of comprehensive community plans for teenage pregnancy prevention; provided, that applications for such funds shall be administered through the executive office of human services upon receipt and approval of coordinated community service plans to be evaluated in accordance with guidelines issued by said executive office; and provided further, that portions of said grants may be used for state agency purchases of designated services



ACTS, 1987. - Chap. 199.

Item		
	identified by said community service plans; provided further, that not less than eighty-nine thousand dollars be obligated for a pregnancy prevention program in Holyoke	\$1,000,000
4000-0750 For	a reserve to meet the costs of receivership of any facility or organization serving clients of any human service agency; provided, that within thirty days of the effective date of this act guidelines shall be developed which shall include, but not be limited to criteria for defining which facilities or organizations shall be eligible for reimbursement	\$103,000
4000-0770 For	a reserve to meet the cost of providing a supplemental salary increase for direct care employees and first line supervisory staff 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	\$12,500,000
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 promulgated by the secretary of human services and in accordance with section one hundred and seventeen; provided that said regulations require the grant application to be filed by the sheriff of a county; provided further that the secretary is hereby authorized to make advances to the sheriffs pursuant to said grants; and provided further, that no grant shall be awarded without the prior approval of the house and senate committees on way and means	\$5,000,000
	Local Aid Fund	100.0%
4000-0790 For	the operation of the disabled persons protection commission; provided that the commission shall promulgate regulations which include, but are not limited to, the definition of abuse, standard investigative procedures and protocols including a determination of substantiation, guidelines for agency interventions including the circumstances under which referrals to law enforcement agencies will be made, and standards which define standards for case closings, including not more than nine positions	\$420,000
4000-0791 For	a reserve to fund certain protective services provided pursuant to assignment by the disabled persons protection commission under the terms of chapter six hundred and fifty-five of the acts of nineteen hundred and eighty-six, said reserve to be administered by the disabled persons protections commission; provided that funds may only be expended from this reserve	\$200,000
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.	

ACTS, 1987. – Chap. 199.

Item

4000-0803 For a program of services to immigrants and for the development and administration of said program, provided that funds received from the federal government for said purpose shall be in addition to the amount appropriated herein \$175,000

Purchase of Service Division.

4001-0000 For an office of contract management only, 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, a report containing the total amount of contract obligation and total appropriation amounts obligated by department and service type; 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; and provided further, that one hundred and sixty thousand dollars shall be obligated for a purchase of service training institute, including not more than twenty-five positions \$1,049,611

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 further, 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, to the rate setting commission and to the office of the state auditor, 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 \$1,199,999

Rate Setting Commission.

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 six 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 two hundred and sixty-five thousand dollars shall be obligated for the implementation of an automated information system, including not more than one hundred and eighty-two positions \$8,000,000

ACTS, 1987. - Chap. 199.

Item

Massachusetts Commission for the Blind.

4110-0001 For	the office of the commissioner and bureau of research, including not more than twenty-three positions	\$896,638
4110-1010 For	aiding the adult blind, prior appropriation continued	\$8,870,900
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	\$46,552,859

Bureau of Individual Services.

4110-2010 For	the administration of a talking book program, including not more than two positions	\$426,744
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 two hundred and six thousand nine hundred and sixty dollars be obligated for a radio reading program for the blind, including not more than sixty-three positions	\$4,436,092

Bureau of Rehabilitation.

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, or any other such indirect cost of federally reimbursed state employees	\$1,966,865
---------------	--	-------------

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, that retired workshop employees shall receive grants equal to three-fourths of the salaries of current workshop employees, including not more than nineteen positions	\$1,313,538
---------------	---	-------------

ACTS, 1987. - Chap. 199.

Item

Massachusetts Rehabilitation Commission.  
Administration.

- 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 on each type of service provided; 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 on such lists shall include the client's name and social security number and the payee's name and other identification, if different from the clients; provided further, that not less than eight positions be obligated for the disabled abuse protection program, including not more than fifty-one positions
- \$2,382,388

Vocational Rehabilitation.

- 4120-0011 For a program of vocational rehabilitation in cooperation with the federal government; provided that no funds from the federal vocational rehabilitation grant or state appropriation be deducted for pensions, group health and life insurance, and any other such indirect cost of the federally reimbursed state employees; provided further, that not less than six hundred thousand dollars be obligated for a program of van modification and adaptive housing; provided further, that not less than ninety-eight thousand dollars be obligated to meet the cost of continuing a supplemental salary increase for direct care employees of human service providers
- \$5,787,207

Social Services.

- 4120-0012 For social services programs; provided that not less than five million nine hundred and fifty-four thousand dollars be obligated for a program of extended sheltered employment; provided further, that not less than one million seven hundred and sixty thousand dollars be obligated for personal care assistance programs; provided further, that not less than one million seven hundred and eighty thousand dollars be obligated for independent living programs, provided that of said funds, seven hundred thousand dollars be obligated to clients who are eligible for services under chapter six hundred eighty-eight of the acts of nineteen hundred and eighty-four; provided further, that not less than three million seven hundred and ninety-three thousand dollars be obligated for a program of homemaker/chore services; provided further, that not less than one million four hundred and fifty-seven thousand dollars be obligated for a program of supported work for the retarded; provided further, that not less than two hundred

Item

	and twenty-six thousand seven hundred dollars be obligated for a housing pilot program; provided further, that not less than one hundred twenty-eight thousand two hundred and fifty dollars be obligated for a social recreation program for the disabled; provided further that not less than one hundred and fifty thousand dollars be obligated for a program of arts for the disabled, including but not limited to arts festivals, training and advocacy; provided however, that no funds from this item be expended on employee positions; provided further, that not less than four hundred thousand dollars be obligated to provide emergency services to disabled persons to prevent abuse, consistent with regulations governing service provision established by the disabled abuse commission; provided further, that not less than two hundred and forty-seven thousand dollars be obligated to meet the cost of a supplemental salary increase for direct care employees of human service providers	\$15,652,190
4120-0071 For	the development and implementation of services to the traumatically head injured	\$6,103,988

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; provided, that not less than thirty-five thousand dollars be obligated for a project to serve that segment of the population which is hard of hearing, including not more than sixty positions	\$3,534,866
---------------	--	-------------

Office for Children.

4130-0001 For	the central administration of the office, including not more than thirty-three positions	\$1,387,603
4130-0005 For	field operations; provided that not less than one hundred and fifty-nine 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; including not more than three hundred and twenty positions	\$9,258,595
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 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; provided further that not less than five hundred and seventy thousand dollars shall be obligated for the training of licensed day care providers, including not more than one position	\$2,402,181

Commissioner of Veterans' Services.

ACTS, 1987. - Chap. 199.

Item		
4170-0010 For	the office of the commissioner, including not more than fifty-eight positions	\$1,483,237
4170-0012 For	a counseling program for Vietnam veterans and their families, including the maintenance and direction of not more than eleven outreach centers; provided, that a bilingual outreach center be established in the city of Boston; provided further that outreach centers be established in Fall River, Westfield and Framingham; provided further, that not less than ninety-three thousand dollars be obligated for a Post-Traumatic Stress Disorder evaluation and counseling program for incarcerated veterans	\$898,272
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	\$147,000
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 eight per cent beginning July first, nineteen hundred and eighty-seven	\$12,516,344
	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; provided further, that the Commissioner of Veterans' Services shall submit to the house and senate committees on ways and means a report by January first, nineteen hundred and eighty-eight describing the future intentions of the agent orange program regarding research and direct service components and including, but not limited to, a projection of the number of veterans to receive services through said program	\$140,376
4170-0650 For	the continuation 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	\$153,719
4170-0651 For	the maintenance and repair of veterans' graves and memorials; provided, that not less than twenty-five thousand dollars be obligated for the restoration and erection of a war veterans memorial in the city of Lowell	\$225,000
4170-0800 For	the operation of the state house office of Vietnam Veterans of Massachusetts	\$20,000
4170-0900 For	the operation of an office of Vietnam Veterans of Massachusetts, at the state office building located at 436 Dwight Street in the city of Springfield	\$20,000
<u>Soldiers' Home in Massachusetts.</u>		
4180-0100 For	the maintenance of the home, including not more than five hundred and seventy positions	\$15,710,834

ACTS, 1987. - Chap. 199.

Item

4180-0101 For the 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 \$510,786

Soldiers' Home in Holyoke.

4190-0100 For the maintenance of the home, including not more than three hundred and eighty-five positions \$9,867,434

4190-0101 For the maintenance of an adult day care program at the Soldiers' Home in Holyoke, including not more than six positions \$123,043

DEPARTMENT OF YOUTH SERVICES.

4200-0010 For the administration of the department, including not more than ninety-four positions \$3,521,481

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 one million ninety-seven thousand nine hundred ten dollars be obligated to meet the cost of continuing a supplemental salary increase for direct care employees of human service providers \$29,089,489

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 \$5,947,000

4238-1000 For the operation of the secure facilities administered and operated by the department; provided, that not less than nine hundred twenty-five thousand dollars be obligated for the Stephen L. French Youth Forestry Camp; provided further, that not less than fifty-eight thousand ninety 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 three hundred and eighty-two positions \$13,088,000

DEPARTMENT OF CORRECTION.

4311-0001 For administration; provided, that the persons employed under the division of classification of

ACTS, 1987. – Chap. 199.

Item

	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, including not more than two hundred and thirty-six positions	\$7,800,000
4311-0003 For	a program of correctional residential services; provided, that not less than one hundred two thousand dollars be obligated to meet the cost of continuing a supplemental salary increase for direct care providers; provided further, that not less than five hundred thousand dollars be expended for a contracted low security residential program for incarcerated expectant mothers, including not more than twenty-eight positions	\$5,133,255
4311-0004 For	a health service program; provided, that not less than five million, one hundred forty thousand dollars shall be obligated for mental health services for inmates, including MCI-Bridgewater; provided further, that not less than an additional one hundred sixty thousand dollars shall be obligated for mental health services for inmates at MCI-Framingham, including not more than one hundred and seventy-three positions	\$14,653,557
4311-0005 For	a prison industries program; provided, that the commissioner of correction shall determine the cost of manufacturing 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 thirteen positions	\$4,750,000
4311-0009 For	a program of education services; provided that not less than one hundred thousand dollars be obligated for the continuation of the department's employment training program for female inmates at MCI-Framingham including not more than one hundred and thirty positions	\$3,900,000
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 seventy-one positions	\$1,342,479
4311-0011 For	a spiritual ministries reintegration program	\$150,000
4349-0001 For	the administration and operation of the commonwealth's correctional facilities; provided, that the commissioner is hereby authorized to enter into agreement with the sheriff of Hampden County for the operation of day reporting centers in Hampden County, and that not less than one hundred and seventy-five thousand dollars be expended for said agreement, provided further, that the commissioner is hereby authorized to enter into 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 agreements; provided further, that said treasurer shall deposit said advances into a fund to be expended solely for the purpose of said agreements; 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-eight shall be returned to the	



Item

commonwealth; provided further, that all persons employed by said sheriff pursuant to said agreements shall be considered county employees; provided further, that 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 and 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 seven hundred and thirty-one positions \$128,000,000

4349-0008 For the capacity expansion of the department of correction; provided, that the commissioner is hereby authorized to enter into agreements with the sheriffs in all counties as well as with the penal commission of Boston for the operation of additional housing units; provided further, that the commissioner is hereby authorized to make quarterly advances to the treasurers of the counties pursuant to said agreements; provided further, that said treasurers shall deposit said advances into a fund to be expended solely for the purpose of said agreements; provided further, that any interest earned by said funds shall be deposited to said funds and that any unexpended balances including interest remaining in said fund as of June thirtieth, nineteen hundred and eighty-eight shall be returned to the commonwealth; provided further, that all persons employed by said sheriffs pursuant to said agreements shall be considered county employees; provided further, that funds advanced to the county treasurers pursuant to these agreements may be spent for any services or items of supply or equipment which the sheriffs require to carry out the purpose of said agreements; such expenditures may include but are not limited to salaries, travel, uniform allowance, purchase and maintenance of equipment, and selecting contractual and professional services; and provided further, that no permission will be required for the sheriffs to transfer funds among codes or subcodes at the county level \$9,918,000

Parole Board.

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 thirty-five positions \$7,900,000

**DEPARTMENT OF PUBLIC WELFARE.**

Notwithstanding any provision of law to the contrary, unless otherwise specified, all federal

ACTS, 1987. – Chap. 199.

Item

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, public assistance caseloads and benefits levels.

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-seven.

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.

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; provided further, that the department shall submit, within sixty days of the effective date of this act, a report including, but not limited to, the status of plans to upgrade and retrofit local offices in the next two fiscal years, including the estimated costs for such upgrading and retrofitting. Such report shall also include the costs of upgrading and retrofitting local offices in the prior two fiscal years; including not more than two thousand eight hundred and fifty positions	\$77,526,550
4400-0953 For	the development and implementation of a career ladder for local office social workers; provided, that funds from this account may be transferred to item 4400-0950; provided, however, that no funds for the career ladder shall be expended without the prior approval of the house and senate committees on ways and means	\$400,000
4400-1000 For	the office of the commissioner, including not more than six hundred sixty-three positions	\$36,515,000
4400-1003 For	the administration of the medicaid program, including a central automated vendor payment system and utilization review of medical assistance services, 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 savings programs, including all expenditures for said programs and savings generated; including not more than four hundred	

Item		
	twenty-three positions	\$18,053,653
4400-1009 For	a voucher day care program, so-called, 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 no "extended vouchers", so-called, shall be paid from the account; provided further, that any participating voucher provider with fifty or more voucher placements, where said placements constitute fifty or more per cent of the provider's total program capacity, shall submit a proposal for contracted day care, and enter into contract negotiations with the department of social services; and provided further, that failure to enter into a contract for day care shall require that the provider limit voucher enrollment to fewer than fifty children, where said enrollments constitute fifty or more per cent of the provider's total program capacity; 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; provided further, that said expenditures will not exceed appropriation; and provided further, that not less than thirty-eight thousand four hundred and twenty-two dollars shall be expended for the cost of continuing a supplemental salary increase for direct care employees	\$30,231,716
4400-1010 For	the development and maintenance of automated data processing systems and services in support of department operations, including not more than seventy-nine positions	\$4,127,150
4400-1016 For	the development and operation of the Massachusetts Public Assistance Control System; provided, that not less than four hundred and seventy-five thousand dollars shall be obligated for the purchase of local office terminals; provided further 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	\$1,346,390
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	\$12,016,198
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	\$1,255,000
	<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</u>	

ACTS, 1987. - Chap. 199.

Item

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 two hundred eighty-five million 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.

4402-5020 For inpatient hospital care	\$322,000,000
4402-5021 For skilled nursing facility care; provided, that the department shall implement a prospective case mix reimbursement system for skilled nursing facility care; provided further, that said reimbursement system shall be started by January first, nineteen hundred and eighty-eight and shall be fully implemented by July first, nineteen hundred and eighty-nine; and provided further, that the department shall continue, and if necessary, expand on the so-called administratively necessary day incentive program	\$215,000,000
4402-5022 For intermediate care facility care; provided, that the department shall continue, and if necessary, expand on the so-called administratively necessary day incentive program; provided further, that the department shall implement a case mix reimbursement system for intermediate care facility care; and provided further, that said reimbursement system shall be started by January first, nineteen hundred and eighty-eight and shall be fully implemented by July first, nineteen hundred and eighty-nine	\$286,000,000
4402-5023 For chronic hospital care	\$147,000,000
4402-5024 For outpatient hospital care	\$149,000,000
4402-5025 Notwithstanding any general or special law to the contrary, the department of public welfare is hereby authorized and directed to promulgate rules and regulations to provide up to one year of membership in a managed care program, so called, for those individuals and families who received aid to families with dependent children and who became employed through the employment and training program, so called, or who enrolled in said managed care programs while eligible for the program established under chapter one hundred and eighteen E and who	

Item

	would not be otherwise 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 per cent of the non-farm income poverty guidelines prescribed by the United States office of management and budget; 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 provided, that the department of public welfare shall submit quarterly reports to the house and senate committees on ways and means including the number of program participants and enrollees in managed care programs by geographic area as compared to similar statistics from previous years, 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 or graduates of the department's so-called employment and training program.	
4402-5026	For pharmacy services	\$70,000,000
4402-5027	For physician services	\$81,000,000
4402-5028	For dental services, provided that the department shall submit a report to the house and senate committees on ways and means by January first, nineteen hundred and eighty-eight which shall include an analysis of the current services provided	\$22,000,000
4402-5029	For home health care	\$44,000,000
4402-5030	For other miscellaneous costs incurred by medical assistance recipients, including miscellaneous administrative costs related to third party liability enforcement incurred by the department of public welfare	\$90,000,000
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 health policy, 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, the 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	\$65,020,200
4403-2000	For a program of aid to families with dependent children; provided that the standard shall be increased seven per cent as of July first, nineteen hundred and eighty-seven 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 forty 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	

Item

rent allowance is not obtained prior to September first, nineteen hundred and eighty-seven, the department shall develop and implement an alternative proposal, subject to federal approval that will 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-seven, the payment and need standard shall be increased an additional eight per cent and rounded to the next whole dollar; provided, further, that a nonrecurring clothing allowance in the amount of one hundred and fifty dollars be provided to each child eligible under this program on September first, nineteen hundred and eighty-seven; 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-seven; 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-eight 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 the transportation services for the employment and training program or voucher day care program \$521,775,704

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; provided that the department shall submit a report to the house and senate committees on ways and means by February first, nineteen hundred and eighty-eight that shall include, but not be limited to, an analysis of the costs and feasibility of establishing a program of medical care and assistance for all persons who are not eligible for medical assistance under any work incentive programs with federal participation and who meet the disability requirements for supplemental security income under the provisions of Title XVI of the Social Security Act, excluding the financial eligibility requirements and the requirements that in order to be considered disabled, an individual must be able to engage in any substantial, gainful

Item		
	activity	\$114,683,750
4406-2000 For	a program of general relief, including a program of emergency assistance; provided, that the payment standard shall be increased seven per cent as of July first, nineteen hundred and eighty-seven; provided further, that a nonrecurring clothing allowance in the amount of one hundred and fifteen dollars be provided to each recipient of the program eligible on September first, nineteen hundred and eighty-seven; 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 to recognize the special needs of recipients who must obtain private housing in the tight Massachusetts housing market, forty dollar per month rent allowance shall be paid to all households not residing in public housing or subsidized housing	
4406-3000 For	assistance to organizations which provide food, shelter and limited related services to the homeless and indigent; provided, that the department execute 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 funds for housing assistance for one thousand households provided in item 3722-9025 shall be available to the department of public welfare to be allocated through an interagency agreement with the executive office of communities and development to recipients of aid to families with dependent children who are receiving emergency assistance and are temporarily housed in hotels, motels or shelters; provided further, that if it is determined by the secretary of communities and development and the commissioner of public welfare by November first, nineteen hundred and eighty-seven that said housing assistance does not meet the needs of said clients, the department of public welfare shall have access to an equal number of chapter 707 rental assistance certificates, so called, to be funded from item 3722-9025 and administered through local non-profit agencies, notwithstanding the provisions to the contrary in section forty-three of chapter one hundred and twenty-one B of the General Laws; provided further, that the house and senate committees on ways and means shall be notified within one week of the determination to use the funds appropriated herein for chapter 707 rental assistance certificates; provided further, that not less than one million twenty-six thousand dollars shall obligated for a contract with the executive office of communities and development for housing search, placement and stabilization services for homeless families temporarily placed by the department of public welfare in a hotel, motel or shelter; provided further, that the department shall not obligate	\$94,953,668

ACTS, 1987. - Chap. 199.

Item

	more than one million five hundred thousand dollars for housing search, placement and stabilization services for homeless families temporarily placed by the department of public welfare in a hotel, motel or shelter	\$21,426,000
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 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	\$18,412,028
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; provided further, that not less than one million, seventy thousand dollars shall be allocated for pregnant and parenting teens; 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; 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; and provided further, that the department, in cooperation with the nursing home industry shall develop and implement a program which shall include but not be limited to, an employment referral system, a career ladder, and a marketing plan to recipients; provided that of the funds appropriated herein, priority for expansion shall be given to adult literacy programs and programs targeted to troubled youth, including not more than ninety-seven positions	\$29,000,000
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; provided that the Department of Welfare shall provide the House and Senate Clerks a report on the number of employment training program participants, number placed, type of job in which the	



Item	participant was placed, participant recidivism rates, average entry level wages, and administrative cost of program; and provided further that said report shall be due no later than December thirty-first, nineteen hundred and eighty-eight	\$2,042,000
------	--	-------------

DEPARTMENT OF PUBLIC HEALTH.

	<u>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.</u>	
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	\$5,645,000
4510-0102 For	the administration of the division of environmental epidemiology and toxicology; provided, that not less than two hundred thousand dollars shall be obligated to conduct a health study to determine the probable causes of excess mortality rates for certain diseases in Charlestown and South Boston; provided further, that said division shall conduct a follow-up study of incidence of bladder cancer in Chicopee, Holyoke and South Hadley; and provided further, that not less than one hundred thousand dollars shall be obligated to conduct a health study in Billerica, including not more than fifteen positions	\$916,984
4510-0103 For	the administration of the division of health promotion; provided, that not less than sixty-five thousand dollars be expended for the Governor's Committee on Physical Fitness and Sports, including not more than thirteen positions	\$862,831
4510-0110 For	community and other health centers operational grants 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-eight; provided further, that notwithstanding the above provisions, the department of public health shall obligate not less than two hundred and 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	

ACTS, 1987. – Chap. 199.

Item

	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 fiftythousand 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; provided further, that, notwithstanding the provisions of any general or special law to the contrary, not less than one hundred thousand dollars shall be expended for the Massachusetts General Hospital Neighborhood Health Centers; provided further, that not less than seventy thousand dollars shall be obligated for the South Boston Community Health Center, and provided further, that not less than forty thousand six hundred and sixty-one 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 four positions	\$1,649,228
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	\$1,000,000
4510-0115 For a	grants program to support Alzheimer's disease research	\$200,000
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 further, that not less than thirty thousand dollars shall be obligated for a generic drug publication; and 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 not less than four hundred thousand dollars be expended for a grants	

Item

	program for rodent control services; provided further, that funds shall be allocated based on the development of distribution criteria which identifies communities experiencing the highest incidence of rodent infestation, provided, however, that the department shall notify the house and senate committees on ways and means of the amounts of reimbursement to each individual community; provided further, that such notification shall include a description of the criteria used to determine contract amount; provided further that not less than one hundred and thirty thousand dollars shall be obligated for a program of prevention of foodborne illness, including not more than one hundred and eleven positions	\$3,713,513
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, including not more than ten positions	\$230,000
4510-0607 For a	urea formaldehyde foam insulation program	\$124,523
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, provided further, that not less than sixty-four thousand dollars shall be obligated to the compliance unit for nursing home complaint investigations, suitability reviews and unannounced nursing home inspections, including not more than one hundred and forty positions	\$4,641,309
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	\$874,442
4510-0790 For	an office of emergency medical services; provided, however, that not less than three hundred and seventy-five 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	\$694,646
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 committees on ways and means of the amounts of reimbursement to each city and town	\$175,000
4510-0900 For	a reserve to fund the continuation of Massachusetts General Hospital's Coordinated Care Project	\$75,000
4512-0103 For	the administration of an acquired immune deficiency syndrome program; provided, that not	

ACTS, 1987. - Chap. 199.

Item

4512-0200 For

less than one million five hundred thousand dollars shall be obligated for the treatment of acquired immune deficiency syndrome patients at the Lemuel Shattuck hospital; provided further, that not less than three hundred thousand dollars be obligated for new outpatient methadone maintenance programs; provided further, that not less than one million nine hundred 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 two million dollars be obligated for research, education, home health and homemaker services and shelter care; provided further, that not less than seven hundred thousand dollars shall be obligated for two hospice facilities; provided however, that within ninety days of the effective date of this act the department 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 hospice caseload to be served, an estimate of the total number of hospice beds needed to serve such caseload, and recommendations for the location, size, and staffing patterns for such hospice facilities; provided further, that no funds shall be expended for said facilities without the prior written approval of the house and senate committees on ways and means; provided further, that the department shall provide a report to the house and senate committees on ways and means by November first, nineteen hundred and eighty-seven, which shall include but not be limited to types of services to be rendered, regions of the state to be served, projected numbers and descriptions of caseloads to be served, details of case management services to be provided, types and number of staff needed, including not more than forty-seven positions

\$7,590,692

the administration of the division of alcoholism and the division of drug rehabilitation; provided, that not less than two hundred thousand dollars shall be obligated for a program to reduce the incidence of a alcohol use and abuse among pregnant women; provided further, that not less than two hundred and forty-seven thousand five hundred and four 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 the division of drug rehabilitation shall operate a residential drug treatment program for adolescents; provided further, that not less than ten thousand dollars shall be obligated to the Auburn Project for transitional planning in central Massachusetts; provided further, that the division of drug rehabilitation 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 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; provided further, that not less than one hundred and fifty dollars shall be obligated for drug programs for inmates of state correctional facilities; and provided further, that not less than one million ninety-seven thousand three hundred and seventy-one dollars shall be obligated to meet the cost of continuing a supplemental salary increase for direct care

ACTS, 1987. - Chap. 199.

Item

4512-0500 For	employees of human service providers, including not more than thirty-seven positions a dental health program, including dental services at the state schools for the retarded and community-based statewide dental programs for the mentally retarded; provided further, that not less than one hundred thousand dollars shall be obligated for smoking cessation and prevention programs for adolescents, and pregnant women; provided further, that programs be prioritized for communities with documented high incidence of cancer related deaths including, but not limited to, South Boston and Charlestown, including not more than seven positions	\$37,026,611
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	\$2,700,418
4513-1000 For	the administration of the division of family health services, including a program of maternal and child health to be in addition to any federal funds received for this program; 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 not less than ninety thousand dollars shall be obligated for a program of community based prenatal, pregnancy, infant or other child-birth related health services in the city of Boston; 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; 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 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 further, that not less than one hundred and seventy-eight thousand dollars shall be obligated for home care for disabled children; provided further, that not less than six hundred thousand dollars shall be obligated to meet the costs of providing community-based residential care for disabled children; provided further, that not less than six million five hundred twenty-two thousand three hundred and eighty-nine dollars shall be obligated to direct service providers of early intervention services; provided further, that not less than twenty thousand dollars shall be obligated to suicide intervention programs for the purpose of reimbursement of telephone costs incurred while providing such services; provided further, that not less than nine hundred thousand shall be expended for transportation services for early intervention clients; provided further, that not less than two hundred fourteen thousand five hundred and forty dollars shall be obligated to meet the cost of continuing a supplemental salary increase for direct care employees of human service providers; provided, further that not less than seventeen thousand four hundred and fifteen dollars hereunder shall be expended for rape prevention and victim services also receiving funds pursuant to item 4500-1000 of section two A, and provided	\$126,678

ACTS, 1987. - Chap. 199.

Item

- further that the amount so made available hereunder for said services shall be in addition to and shall not be deemed to reduce the amounts otherwise available for expenditure pursuant to this act; and provided further, that not less than one hundred thousand dollars shall be obligated for the full year costs of providing public information and training on occupational health and safety for women workers, including not more than one hundred and twenty positions \$20,125,531
- 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 to the house and senate committees on ways and means the total number of cases which can be supported with funds from this item without incurring a deficiency; 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; provided further, that not less than two hundred thousand dollars shall be expended in consultation with the Massachusetts Nutrition Board for a program of coordinated outreach by community based organizations to increase the availability of and the participation in WIC and other state and federal food assistance programs, said outreach services to be provided throughout the commonwealth by contract with a single agency or institution; provided further, that not less than five hundred and forty-two thousand dollars shall be obligated for Failure-to-Thrive programs; and provided further, that not less than fifty-five thousand six hundred and fifty-one dollars be obligated to meet the cost of continuing a supplemental salary increase for direct care employees of human services providers, provided further, that of the funds authorized herein, two million dollars shall be obligated primarily for participants of the program authorized in line item 4513-1005 who are eligible for the federal nutrition program for women, infants and children, including not more than twenty-three positions \$8,988,626
- 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 two hundred 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

Item

	medical assistance furnished pursuant to this section shall be limited to all medically necessary care to maintain health during the course of pregnancy and delivery, including medically necessary care required for conditions which may complicate the pregnancy and delivery; all medically necessary post-partum obstetric and gynecological care; and newborn care, including one post-partum pediatric ambulatory visit; 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 no funds appropriated under this item shall be expended for acute hospital inpatient services; 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 which shall include, but not be limited to, the number of women served during that quarter, categories of age, types of services provided, and expenditures made, including not more than twenty-four positions	\$6,658,376
4513-1006	For a hospice program for children	\$25,000
4513-1007	For a program to support Tay-Sachs and other allied disease research	\$100,000
4513-1009	For expenses related to the dissemination of information and research on the symptoms, effects and treatment of post-polio syndrome	\$35,000
4513-1500	For the administration of local health services; provided, that the department shall submit quarterly to the house and senate committees on ways and means, a report detailing the activities and expenditures of each regional health office for the previous quarter; provided further, that not less than one hundred and seven thousand dollars shall be obligated for rent at the western Massachusetts regional health office, including not more than twenty-two positions	\$862,000
4516-1000	For the administration of the center for laboratory and communicable disease control services, including the division of communicable 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, 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 chronically ill; provided further, that not less than two hundred thousand dollars shall be obligated for a vaccine to prevent Haemophilus influenza type b disease, including not more than two hundred and forty-six positions	\$15,121,485

ACTS, 1987. - Chap. 199.

Item

- 4516-1001 For payments to the city of Worcester for a program to be administered by the 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, 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 however, that funds appropriated herein shall be used for public health purposes only and shall not be obligated for police services; provided further, that the city of Worcester shall provide an accounting to the department of public health of the fiscal year nineteen hundred and eighty-seven expenditures, and provided further, that at the end of fiscal year nineteen hundred and eighty-eight, the city of Worcester shall provide a full accounting to the department of public health on all expenditures including a full analysis of this program \$800,000
- 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 fifty-seven positions \$1,906,951
- 4518-0101 For a program of regional health planning and consumer education to be administered by the bureau of health care systems; provided that said bureau shall submit quarterly to the house and senate committees on ways and means, a report including, but not limited to a listing of contracted providers and dollar amount of said contracts, and a comprehensive description of the services to be provided under each contract; provided further, that the bureau shall expend no more than fifty thousand dollars of the amount included herein for the administration of said program \$600,000
- 4540-0001 For the maintenance of and for certain improvements at the department of public health hospitals; provided that not less than nine million seven hundred and thirty-nine thousand fifty dollars and not more than three hundred and eighty-eight positions be available for Lakeville Hospital; provided that not less than twenty-three million fourteen thousand eight hundred and thirty-eight dollars and not more than seven hundred and thirty positions shall be available for Lemuel Shattuck Hospital; provided that not less than eight million eight hundred and sixty-four thousand, six hundred and twenty dollars and not more than three hundred and forty-one positions be available for the Massachusetts Hospital School; provided that not less than twenty-three million two hundred and eighty-nine thousand three hundred and seventy-four dollars and not more than one thousand fifty positions be available for Tewksbury Hospital; provided that not less than fourteen million five hundred and nineteen thousand nine hundred and eighty-eight dollars and not more than six hundred and twenty positions shall be available for Cushing Hospital; provided that not less than four million nine hundred and thirty-nine thousand six hundred and ninety-two dollars and not more than three hundred and fifty positions shall be available for Rutland Heights Hospital, provided however, that the



Item

	funds appropriated herein for Rutland Heights Hospital shall be supplemented by retained revenues authorized for expenditure by Rutland Heights Hospital in section thirty-three of this act, provided further, that the department can initiate contracts with collection agencies for the purpose of collecting receivables owed to Rutland Heights Hospital; provided that not less than three million nine hundred and seven thousand two hundred and forty-five dollars and not more than two hundred and forty-six positions shall be available for Western Massachusetts Hospital, provided however, that the funds appropriated herein for Western Massachusetts Hospital shall be supplemented by retained revenues authorized for expenditure by Western Massachusetts Hospital in section thirty-three of this act, provided further, that the department can initiate contracts with collection agencies for the purpose of collecting receivables owed to Western Massachusetts Hospital	\$91,680,273
4540-0002 For	a reserve to alleviate delayed payments at Rutland Heights Hospital and Western Massachusetts Hospital; provided, that no funds may be expended prior to January first, nineteen hundred and eighty-eight; provided further that all expenditures from this account shall be repaid to the general fund from retained revenues by the close of fiscal year nineteen hundred and eighty-eight	\$2,200,000
4540-0003 For	a reserve to meet the employment needs at the public health hospitals; provided that funds shall be used only for hiring new permanent and temporary employees; provided further, that funds may be transferred to other items of appropriation to be used only for 01 and 02 subsidiary expenses; and provided further that no funds shall be expended from this item without the prior approval of the assistant commissioner for hospitals	\$1,000,000

#### DEPARTMENT OF SOCIAL SERVICES.

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 the 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-eight the department of social services shall expend not less than four million five hundred thousand dollars on services to women in transition.

ACTS, 1987. - Chap. 199.

Item

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 these items shall be expended for tutoring or remedial reading of children awarded to the department and attending public schools.

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, including not more than two hundred and fifty positions and provided further that the department of social services shall not knowingly place or knowingly continue the placement of any child under its jurisdiction in the care of persons or persons whose sexual orientation is an obstacle to the psychological or physical well-being of the child except where it is a biological child or where there are biological relatives willing to care for the child if and when the permission of the natural parents has been obtained or indicated. This restriction shall include but not be limited to adoption, guardianship and foster care. For the provision of this restriction, a homosexual or bisexual orientation shall be considered an obstacle to the psychological and physical well-being of a child

\$8,477,000

ACTS, 1987. - Chap. 199.

Item

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; provided further, that no funds shall be expended to provide subsidies to adoptive parents for children no longer in their care; and provided further, that not less than twenty-six thousand six hundred and eighty-one 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-nine positions	\$15,800,000
4800-0023 For	programs of adolescent assessment and treatment; 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	\$2,350,000
4800-0025 For	a program of foster care review, including not more than sixty-two positions	\$2,389,000
4800-0028 For	a reserve to fund new programs, program expansion and rate increases within the department of social services including two million, five hundred and ninety thousand, one hundred and forty-eight dollars to provide a rate increase for foster care, adoption and guardianship subsidies; nine hundred and eighty-one thousand, five hundred and fifty-five dollars to provide an increase in the clothing allowance for children in foster care, adoption and guardianship placements; one million dollars for increased comprehensive family planning services; one hundred and ninety-three thousand, one hundred and fifty-four dollars for increased women in transition services; and one million dollars to provide foster parents with reimbursement for extraordinary expenses incurred; provided that said reimbursements shall only be made pursuant to the promulgation of regulations which detail the types of reimbursable expenditures and methods for determining reimbursement; provided further, that all foster parents eligible for said reimbursements shall obtain written notification of the reimbursement program; and provided further, that funds may be expended directly from this reserve or transferred to other items of appropriation within the department of social services	\$5,764,857
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	\$590,254
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 not less than seven million seven hundred eighty-five thousand seven hundred and sixty-two dollars be obligated to meet the cost of continuing a supplemental salary increase for direct care employees of human services providers; provided	

ACTS, 1987. - Chap. 199.

Item

	further, that four hundred and forty thousand dollars shall be expended to assist those families whose income is between seventy and one hundred per cent of the median family income of the commonwealth and are paying full cost for day care services; provided further, that thirty thousand, seven hundred and fifty dollars be obligated for an after-school special day care program for emotionally disturbed and learning disabled children; provided further, that any federal reimbursement for this purpose, unless otherwise authorized to be expended, shall be credited to the General Fund; provided further, that not less than three million dollars shall be obligated for expansion of day care services, including six hundred and twenty new basic slots, two hundred and fifteen teen parent day care slots and twenty-five new slots for New Chardon Street; provided further, that so-called extended voucher day care placements be converted into contracted slots by January first, nineteen hundred and eighty-eight, when said voucher placements exist in day care centers who have existing state contracts and when said day care centers have complied with department of social services regulations regarding the alternating intake system; provided further, that any participating voucher provider with fifty or more voucher placements, where said placements constitute fifty or more per cent of the provider's total program capacity, shall submit a proposal for contracted day care, and enter into contract negotiations with the department of social services; and provided further, that failure to enter into a contract for day care shall require that the provider limit voucher enrollment to fewer than fifty children, where said enrollments constitute fifty or more per cent of the provider's total program capacity, including, for the voucher day care program, not more than nine positions, prior appropriation continued	\$79,550,000
4800-0070 For	a program of respite care for the developmentally disabled; provided, that not less than eighty-six thousand eight hundred and sixty-four dollars be obligated to meet the cost of continuing a supplemental salary increase for direct care employees of human service providers; provided further, that the department of social services shall obtain an unduplicated count of consumers waiting for respite services, and submit a report to the house and senate committees on ways and means by January first, nineteen hundred and eighty-eight, indicating the number of consumers awaiting services	\$7,547,044
4800-0100 For	the administration of the department's six regions, including not more than six hundred and fifty-seven positions	\$26,885,000
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 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 and twenty thousand dollars, of which not less than twenty thousand dollars shall be expended for the administration of an existing afterschool advocacy program, shall be obligated for purchased social services in region III; provided further, that	

Item

not less than two million seven hundred and forty thousand dollars shall be obligated for purchased social services in region IV of which not less than one hundred and sixty thousand shall be used for housing and service to pregnant and parenting teens at an existing group residence sited in the Town of Norwood provided that temporary residence be provided for not less than fifteen such teens annually and, provided further that not less than thirty such teens annually receive services; provided further, that not less than six million dollars shall be obligated for purchased social services in region V; provided further, that not less than five million four hundred and fifty thousand dollars shall be obligated for purchased social services in region VI; and provided further, that not less than three million three hundred eight thousand four hundred and six 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 forty-nine positions \$98,759,565

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 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; provided further, that any federal reimbursements received for this purpose, unless otherwise authorized to be expended, shall be credited to the General Fund; and provided further, that not less than eight hundred ninety-five thousand eight hundred and eighty dollars be obligated to meet the cost of providing a supplemental salary increase for direct care employees of human service providers \$14,622,000

#### 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

ACTS, 1987. - Chap. 199.

Item

ways and means expenditures made, by region, for the establishment of new community-based programs, the 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 submit quarterly to the house and senate committees on ways and means a status report on all 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  | \$600,000    |
| 5011-0100 For | the administration and general services of the department, including a consolidated laundry program and a program for the training of psychiatric residents and multidisciplinary trainees, including not more than two hundred and seventeen positions   | \$10,584,002 |
| 5046-0000 For | mental health services for adult clients; provided that not less than three hundred thousand dollars be obligated for the development of psychosocial rehabilitation programs; provided further, that a sum not to exceed five million seventeen dollars be available for case management services; provided further, that not more than two million three hundred eighty-one thousand six hundred and sixty dollars shall be available to develop service plans and provide other case management services appropriate to the individual needs of certain persons residing in mental health facilities for whom community placement is projected; provided further, that the commissioner of the department of mental health is directed to prepare a report identifying those persons in state hospitals for whom community placement is projected, the status of the development of service plans for said clients, and the number of clients for whom service plans have yet to be developed; provided further, that said report shall be filed with the house and senate committees on ways and means on or before June thirtieth, nineteen hundred and eighty-eight, and June thirtieth annually thereafter; provided further, that not less than two million three hundred and eighty-five thousand six hundred and sixty dollars be obligated to meet the cost of continuing a supplemental salary increase for |              |

ACTS, 1987. - Chap. 199.

Item

	direct care employees of human service providers, including not more than one thousand one hundred and twenty-one positions	\$114,356,314
5046-0200 For	mental health services for adults; provided that up to five million seven hundred thousand dollars may be transferred to item 5046-0000 for purposes of expenditure; provided further, that no funds may be expended directly from this reserve, prior appropriation continued.	
5047-0000 For	mental health services for children and adolescents; provided, that not less than seven hundred and forty-eight thousand two hundred ninety-eight 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-eight positions	\$41,869,920
5049-0000 For	forensic mental health services; provided, that not less than nineteen thousand five hundred and twenty-four dollars be obligated to meet the costs of continuing a supplemental salary increase for direct care employees of human services providers, including not more than one hundred and one positions	\$5,714,638
5051-0100 For	the operation of community mental health centers; provided, that not less than three million eight hundred forty-six thousand one hundred and sixty-six dollars and one hundred and forty-eight positions be available for the Dr. Harry C. Solomon mental health center; provided further, that not less than four million one hundred thirty-nine thousand and thirteen dollars and one hundred and fifty-three positions be available for the Cambridge/Somerville mental health and mental retardation center; provided further, that not less than four million four hundred and twenty-five thousand dollars and one hundred and eighty-seven positions be available for the Brockton multi-service center; provided further, that not less than four million eighty-nine thousand five hundred and sixty-seven dollars and one hundred and eighty-four positions be available for the John C. Corrigan mental health center; provided further, that not less than three million four hundred seventy-five thousand six hundred and seventy-five dollars and one hundred and thirty-four positions be available for the Pocasset mental health center; provided further, that not less than eight million one hundred twenty-three thousand seven hundred and sixty-two dollars and three hundred and thirty-eight positions be available for the Massachusetts mental health center; provided further, that not less than five million six hundred seventeen thousand nine hundred and thirty-three dollars and two hundred and seventy-five positions be available for the Dr. Solomon Carter Fuller mental health center; provided further, that not less than five million six hundred and five thousand seven hundred and ninety-two dollars and two hundred and nine positions be available for the Erich Lindemann mental health center; provided further, that not less than four million five hundred ninety-six thousand nine hundred and twenty-three dollars and one hundred and eighty-five positions be available for the Tufts/Bay Cove mental health center; provided further, that not less than six million eight hundred twenty-nine thousand three hundred and ninety-four dollars and two hundred and eighty-nine positions be available for the Dorchester mental health center; provided further, that not less than five million two hundred fifty-one	

ACTS, 1987. - Chap. 199.

Item

- thousand one hundred ninety dollars and not less than two hundred and five positions be available for the Wes-Ros-Park mental health center; provided further, that not less than two million seven hundred fifty-one thousand seventy-three dollars and one hundred and ten positions be available for the Quincy mental health center; provided further, that an additional one hundred thirty-seven positions shall be available for assignment 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 sixty-four positions
- 5095-0000 For the maintenance of the state hospitals; provided, that not less than nine million eight hundred twelve thousand seven hundred and forty dollars and four hundred and forty-seven positions shall be available for the maintenance of Northampton state hospital; provided further, that not less than sixteen million eight hundred seventy-eight thousand and eight hundred dollars and eight hundred and fifteen positions shall be available for the maintenance of Worcester state hospital; provided further, that not less than ten million three hundred twenty-two thousand eight hundred and four dollars and five hundred and twenty-one positions shall be available for the maintenance of Danvers state hospital; provided further, that not less than fifteen million three hundred twenty-six thousand two hundred and seventy-four dollars and seven hundred and eighty-three positions shall be available for the maintenance of the Metropolitan state hospital; provided further, that not less than three million nine hundred fifty-three thousand nine hundred and forty-six dollars and one hundred and ninety-five positions shall be available for the maintenance of the Gaebler Children's Center; provided further, that not less than one million nine hundred and four thousand and three dollars and seventy-six positions shall be available for the maintenance of the treatment center at the Massachusetts correctional institute at Bridgewater; provided further, that not less than eleven million six hundred sixty-six thousand three hundred and seventy-nine dollars and five hundred and ninety-six positions shall be available for the maintenance of Taunton state hospital; provided further, that not less than nine million six hundred seventy-seven thousand and eleven dollars and four hundred and ninety positions shall be available for the maintenance of Medfield state hospital; provided further, that not less than thirteen million six hundred eighty-five thousand nine hundred and forty-five dollars and seven hundred and thirty positions shall be available for the maintenance of Westborough state hospital; and provided further, that one hundred and sixty-two 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 eight hundred and fifteen positions
- 5711-0100 For a reserve for the administration of the departments of mental health and mental retardation; provided, that funds may be transferred from this item to items of appropriation 5011-0100 and 5911-0100 only; provided further, that any expenditures or transfers from this item shall be subject to the joint approval of the commissioners of mental health and mental retardation, and the secretary of human services, including not more than six hundred and twenty positions;

\$72,646,912

\$136,508,283



Item

	provided that said positions are to be in addition to those separately authorized for the departments of mental health and mental retardation and that said positions may be allocated to said departments for items 5011-0100 and 5911-0100 only; and provided further, that items 5011-0100, 5911-0100, and this item shall include not more than eight hundred and ninety-six positions	\$22,655,534
5712-0100 For	a reserve to fund administrative costs associated with separating the department of mental health into a department of mental health and a department of mental retardation; provided, that funds may be transferred from this item to items of appropriation 5011-0100, 5711-0100 and 5911-0100 only; provided further, that any expenditures or transfers from this item shall be subject to the joint approval of the commissioners of mental health and mental retardation, and the secretary of human services, including not more than two hundred and four positions	\$2,830,000

#### DEPARTMENT OF MENTAL RETARDATION.

Notwithstanding any general or special law to the contrary, the department of mental retardation 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 retardation 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, the 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 retardation 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 clients 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 retardation 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 admissions to institutional settings.

Notwithstanding any general or special law to the contrary, the department of mental retardation

ACTS, 1987. - Chap. 199.

Item

	<u>shall submit quarterly to the house and senate committees on ways and means a status report on all state schools 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.</u>	
5911-0006 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 retardation	\$3,150,000
5911-0025 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, including not more than twelve positions	\$26,333,353
5911-0100 For	the administration and general services of the department, including not more than fifty-nine positions	\$1,891,322
5947-0000 For	mental retardation services, for children and adolescents; provided that no less than one hundred thousand dollars be expended for flexible community based support services	\$1,331,072
5948-0000 For	mental retardation services; provided, that not less than four million four hundred ninety-nine thousand seven hundred and fifty-one dollars 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, including not more than six hundred and twenty positions	\$184,124,579
5983-0100 For	the operation of facilities for the mentally retarded; provided, that not less than twenty-six million eight hundred and forty-two thousand four hundred and four 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 four hundred and fifty-one thousand one hundred and ninety-four 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 thirty-one thousand eight hundred 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 sixteen million four hundred and ninety-nine thousand seven hundred and fifty-six 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 thirty-nine million seven hundred and twenty-one thousand four hundred and fifty-four dollars be available for the Waltham campus of Walter E. Fernald state school and that not less than six million seven hundred and sixty-four thousand three hundred and ten dollars be available for the Templeton Colony of the Walter E. Fernald state school and not more than two thousand three hundred	

Item

and eighty-nine positions be available for the Walter E. Fernald state school; provided further, that not less than thirty-seven million six hundred eighteen thousand eight hundred and eighty 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-one million eight hundred thousand seven hundred and twenty dollars and not more than two thousand two hundred and fifty positions be available for the Wrentham state school \$253,569,267

**EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.**

Office of the Secretary.

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 \$515,831

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, such report to be filed no later than November thirtieth, nineteen hundred and eighty-seven, prior appropriation continued.

6001-3626 For contract assistance to be allocated by the secretary of transportation and construction for the net additional expense of the operation of interstate passenger rail services between Cape Cod and New York City on lines acquired by the Commonwealth or on lines over which any railroad corporation may operate; provided, that the amounts appropriated herein shall only be expended for services provided after January first, nineteen hundred and eighty-eight \$854,759

Massachusetts Bay Transportation Authority.

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, prior appropriation continued \$160,904,277

General Fund 80.0%

Highway Fund 20.0%

6005-0012 For certain debt service contract assistance to the Massachusetts Bay Transportation Authority in

ACTS, 1987. - Chap. 199.

Item			
	accordance with the provisions of section twenty-eight of chapter one hundred and sixty-one A of the General Laws		\$83,084,552
	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		\$560,000
	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		\$870,000
	General Fund	80.0%	
	Highway Fund	20.0%	
6005-0015 For	certain assistance to regional transit authorities; provided, that not less than six hundred and forty 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, that the commonwealth, acting by and through the executive office for administration and finance, for the period beginning July first, nineteen hundred and eighty-seven and ending June thirtieth, nineteen hundred and eighty-eight, may enter into contracts with the authorities providing that, notwithstanding the provisions of section twenty-three of chapter one hundred and sixty-one B of the General Laws, at least fifty per cent and up to seventy-five per cent of the net cost of service of each authority incurred in fiscal year nineteen hundred and eighty-seven shall be paid by the commonwealth, and shall not be assessed upon the cities and towns constituting the authorities		\$17,140,000
	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; provided further, that 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 and shall be filed by February first, nineteen hundred and eighty-eight		\$250,000
	General Fund	80.0%	
	Highway Fund	20.0%	

Item

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; provided, that notwithstanding any general or special law to the contrary, any unexpended balance in this account at the close of the fiscal year shall revert to the Highway Fund		\$23,489,100
	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-eight, 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		\$12,600,000
	General Fund	80.0%	
	Highway Fund	20.0%	
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		\$20,137,500
	Highway Fund	100.0%	
6005-0100 For	the expenses of commuter boat services, including not more than one position		\$121,284
<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 eleven positions		\$485,793
6006-0050 For	the reimbursement of the town of Nantucket by the commission for the cost of constructing a fuel transfer pipe line for the Nantucket airport; provided, that said construction shall be in conformity with state safety regulations and shall be conducted under the supervision of the commission		\$150,000

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		
---------------	---	--	--

ACTS, 1987. - Chap. 199.

Item

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; provided, that not less than sixty thousand dollars be obligated for the establishment of a transportation management and advisory office in the Route 128-Route 3 corridor, including not more than three thousand four hundred and forty-three positions \$92,725,000

Highway Fund 100.0%  
6010-0009 For a program for the planning and design of projects, and for grants to cities and towns, to alleviate traffic congestion at various locations as determined by the department; provided, that not less than sixty-five per cent of the amount appropriated herein shall be expended for grants to such cities and towns; provided, further, that not less than one hundred and seventy thousand dollars shall be obligated for the purposes of providing emergency response services associated with the construction and improvements to the Central Artery/North Area project \$500,000

Local Aid Fund 65.0%  
Highway Fund 35.0%  
6010-0050 For a study of the traffic management problems in the Route 128/Route 3 corridor; provided, that funds appropriated herein shall be matched with local and/or private cash or in-kind contributions \$40,000

Administrative and Engineering Expenses.

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 \$6,505,953  
Highway Fund 100.0%

Outdoor Advertising Division.

6020-2505 For the administration of the board, including not more than four positions \$150,406

Maintenance and Operation of State Highway and Bridges.

Appropriations under this heading may be expended for traffic safety control on certain city or town ways:

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-eight expenditures be filed with the house and senate committees on ways and means on or before May first, nineteen hundred and

Item	eighty-eight; and provided further, that any surplus after May first, nineteen hundred and eighty-eight may be expended for bridge repairs in said districts, including the cost of sand, salt and chemicals		\$20,000,000
	Highway Fund	100.0%	
6030-7301 For	the expenses of traffic line painting		\$1,057,652
	Highway Fund	100.0%	
6030-7302 For	the expenses of installing and maintaining a scenic easement, including shrubbery, along a certain portion of Route 1 in the town of Saugus		\$21,000
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 and 6030-7603		\$2,122,875
	Highway Fund	100.0%	
6030-7403 For	the expenses of fleet management and maintenance equipment, prior appropriation continued		\$3,404,818
	Highway Fund	100.0%	
6030-7404 For	the installation of a pedestrian traffic control signal light on Onset Avenue		\$50,000
	Highway Fund	100.0%	
6030-7405 To	reimburse the Town of Canton for school zone funding as provided under Chapter 616, section 6, acts of 1967		\$24,000
6030-7601 For	maintenance and operation of state highways and bridges, prior appropriation continued		\$6,075,000
	Highway Fund	100.0%	
6030-7603 For	the expense of painting and repairing state bridges		\$5,500,000
	Highway Fund	100.0%	
6030-7605 For	expenses of repairing the erosion at the Fall River Bridge on Hoe Shop road in the town of Bernardston, prior appropriation continued		\$100,000
	Highway Fund	100.0%	
6031-0131 For	a property management program		\$18,000
	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 reimbursed nine thousand dollars		\$2,500,000
	Local Aid Fund	100.0%	
6034-0009 For	payments 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%	

ACTS, 1987. - Chap. 199.

Item

6034-0021 For the installation, maintenance, and preservation of sign markers identifying the historic Blackstone River and Canal along the Blackstone Canal Heritage Highway, state route 122 and designating the Massachusetts portion of the Blackstone River Valley National Heritage Corridor established by P.L. 99-647 \$15,000

EDUCATION.

Libraries.

7000-9101 For the administration and expenses of the board of library commissioners, including not more than twenty-one positions \$760,000

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 per cent of said average \$9,706,840  
Local Aid Fund 100.0%

7000-9402 For the purposes of a talking book library \$138,000  
Local Aid Fund 100.0%

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 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 \$5,932,637  
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%



ACTS, 1987. - Chap. 199.

Item

7000-9505 For	a grant program to public libraries for new public library projects and for renovation projects and equipment purchases; provided, that no funds appropriated herein shall supplant ordinary operating expenses or obligations of grant recipients as determined by the board of library commissioners	\$5,000,000
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 not more than two hundred and thirty-eight positions	\$11,326,952
7010-0008 For	the purchase of equipment and services to automate the teacher certification system	\$443,849
7010-0012 For	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 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 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-seven; 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 the department of education shall contract with a qualified minority business enterprise experienced in the administration of public school transportation systems and programs to alleviate racial imbalance; 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 less than twelve and one-half per cent of the nontransportation 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,	

ACTS, 1987. - Chap. 199.

Item

	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 provider for this program shall be selected only after the solicitation of three or more bids	\$13,192,245
	Local Aid Fund 100.0%	
7010-0025 For	the development, administration and scoring of a statewide assessment test and a statewide basic skills test	\$1,150,000
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	\$5,350,000
	Local Aid Fund 100.0%	
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, 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 laws 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
	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 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 children of limited English-speaking ability in fiscal year nineteen hundred and eighty-eight, provided, however, that not more than	

Item

	<p>twenty-five per cent 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 a schedule of grants to be approved by the house and senate committees on ways and means</p>	\$1,500,000
7027-0016 For	<p>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; provided further, that the board of education may determine the percentage match required on an individual grant basis; provided further, that the department of education may reimburse grant recipients for prior year expenditures; 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</p>	\$1,775,000
	<p><u>Local Aid Fund</u> 100.0%</p>	
7028-0031 For	<p>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 twenty-two positions</p>	\$10,000,000
7028-0101 For	<p>"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</p>	

ACTS, 1987. - Chap. 199.

Item

	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	\$628,622
	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 mother or guardian living in the commonwealth, and for expenses relating to the provision 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 an 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, prior appropriation continued	\$8,163,268
7030-0102 For	the operation of the Massachusetts literacy corps, including not more than four positions	\$600,000
7030-0200 For	the operation of the regional education centers, including not more than one hundred and thirty positions	\$4,940,950
7030-1000 For	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 per cent 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; provided further, that communities will be eligible to receive implementation grants under this item for no more than three consecutive years, prior appropriation continued	\$7,200,000
	Local Aid Fund 100.0%	
7030-1500 For	grants to head start programs; provided that, of the sum appropriated, not more than three million dollars be used to supplement the salaries of Head Start employees	\$4,500,000
7030-2000 For	grants to cities, towns, regional school districts and educational collaboratives 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	

Item

	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 per cent 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 collaborative and held as a separate account and shall be expended by the school committee of such city, town, regional school district or educational collaborative 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 one million seventy thousand dollars shall be obligated for a collaborative program between the public schools and museums of the commonwealth; provided further, that, notwithstanding any provision of law to the contrary, the commissioner of education shall allocate said one million seventy thousand dollars in accordance with an allocation plan approved by the house and senate committees on ways and means		\$10,320,000
	Local Aid Fund	100.0%	
7030-2001 For	the expenses of the Commonwealth Futures Program		\$1,000,000
	General Fund	10.0%	
	Local Aid Fund	90.0%	
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 awarding 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 recipient 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 deposited with the treasurer of the appropriate 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		\$504,000
	Local Aid Fund	100.0%	
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, pursuant to section fifty-six of chapter fifteen of the General Laws		\$600,000
	Local Aid Fund	100.0%	
7030-7000 For	the development of a teacher certification exam, pursuant to section thirty-eight G of chapter		

ACTS, 1987. – Chap. 199.

Item

	seventy-one of the General Laws; provided however, that the department be prepared to administer said exam no later than September fifteenth, nineteen hundred and eighty-seven, prior appropriation continued.	
7032-0211 For	a program for gifted and talented public school students in the commonwealth to be administered by the department of education; provided, that programs held off school grounds planned or financed by grants under this line item shall be available to students from approved non-public schools who meet the same criteria as are applied to public school students, provided that all such students live in the district or region served by the grant recipient; 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 further, that the department of education shall draw up guidelines for the administration of said program and shall provide technical assistance to applicants; provided further, that not less than fifty per cent of the dollar value of said grants shall be expended for programs in cities, towns and regional 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 public school teachers and administrators on the subject of gifted and talented education; and provided 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-eight	\$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 without further appropriation	\$855,000
	Local Aid Fund	100.0%
7032-0500 For	grants to cities, towns and regional school districts for school based comprehensive health education and human services in the 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 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 vices; provided further, that each funded program shall	

Item

	have a strong teacher training component; provided further, that the state advisory council on health education created by item 7032-0600 of chapter two hundred and six of the acts of nineteen hundred and eighty-six shall establish standards against which programs funded by this item may be judged for efficiency and effectiveness; and provided further, that communities will be eligible to receive implementation grants under this item for no more than two consecutive years		\$1,500,000
	Local Aid Fund	100.0%	
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 two million dollars of the amount appropriated herein be administered through the Commonwealth's Service Delivery Area System to serve employed as well as unemployed adults, at least fifty per cent of whom have less than sixth grade language and math competence		\$4,700,000
	General Fund	70.0%	
	Local Aid Fund	30.0%	
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 or regional school district or independent vocational school which has not accepted the provisions of chapter six hundred and eighty-three shall be ineligible for any reimbursement of costs incurred during fiscal year nineteen hundred and eighty-eight 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		\$60,922,572
	Local Aid Fund	100.0%	
7035-0006 For	the reimbursement of regional school districts for the transportation of pupils; provided, that the amount paid to regional school districts from this item in fiscal year nineteen hundred and eighty-eight shall be equivalent to the amounts listed in section three of this act		\$26,086,616
	Local Aid Fund	100.0%	
7051-0015 For	the administration of the temporary emergency food program, in addition to any federal funds available for this purpose		\$430,015
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,		

ACTS, 1987. - Chap. 199.

Item		
	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-eight shall not exceed ten million 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	\$7,500,000
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 per cent 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	\$111,000,000
	Local Aid Fund 100.0%	
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	



ACTS, 1987. - Chap. 199.

Item

	program for needy elderly persons		\$1,115,000
	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; and provided further, that the amount paid to regional school districts from this item in fiscal year nineteen hundred and eighty-eight shall be equivalent to the amounts listed in section three of this act		\$88,258,862
	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-seven exceeded eighty per cent of the fiscal year nineteen hundred and eighty-seven allowable tax levy as determined by the commissioner of revenue; provided, that 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 per cent of said allowable levy		\$100,000
	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		\$475,000
	Local Aid Fund	100.0%	
7061-0008	For school aid to cities, towns, regional school districts, counties maintaining agricultural schools and independent vocational schools to be distributed pursuant to the provisions of section three of this act		\$1,178,068,237
	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		\$7,300,000
	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		\$400,000
	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		

ACTS, 1987. – Chap. 199.

Item

	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 approval of 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-seven; provided further, that the commonwealth shall not pay more than sixty per cent of the cost of any such residential placement	\$9,650,080
	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-six or prior years was less than eighty-five per cent 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 district 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	\$84,704,995
	Local Aid Fund	100.0%
7061-2000 For	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 in training and those employed as temporary substitutes; 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	\$11,400,000
	Local Aid Fund	100.0%
7061-4000 For	the school improvement fund to award grants to cities, towns, regional school districts, independent vocational schools and educational collaboratives for distribution to every school	

Item

	building containing any of the grades from kindergarten to twelve, inclusive, pursuant to section fifty-one of chapter fifteen of the General Laws; provided, that the amount granted to each school is equal to the total number of full-time equivalent students in grades kindergarten through twelve in attendance there during fiscal year nineteen hundred and eighty-seven multiplied by ten dollars; and provided further, that such funds are used for purposes consistent with the intent of said section fifty-one; 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	\$8,300,000
	Local Aid Fund	100.0%
7061-5000 For	grants to cities, towns, regional school districts, educational collaboratives and independent vocational schools to be distributed to designated Horace Mann teachers who take on expanded responsibilities in public schools or school districts, pursuant to section one G of chapter fifteen of the General Laws; provided, that no individual teacher receives a commonwealth grant of more than two thousand five hundred dollars; 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	\$7,440,000
	Local-Aid Fund-	100.0%
<b>BOARD OF REGENTS.</b>		
7066-0000 For	the office of the board of regents, including not more than eighty-eight positions	\$4,025,000
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	\$2,485,000
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	\$49,000
7066-0008 For	an office of compliance, reporting to the chancellor of the board of regents, to perform financial and programmatic audits of all accounts administered under the auspices of the board	

ACTS, 1987. - Chap. 199.

Item

7066-1000 For	of regents; provided, that said office shall submit semi-annually to the house and senate committees on ways and means, to the secretary of administration and finance, and to the office of the state auditor a report detailing all audits performed, including the findings and recommendations of such audits, including not more than three positions a reserve for higher education initiatives within the public system of higher education to be allocated at the discretion of the chancellor of the board of regents provided further, that no funds appropriated herein, shall be expended for the purpose of funding new academic programs at the institutions	\$134,000 \$600,000
7066-2000 For	a reserve for program improvements within the public system of higher education; provided, that, notwithstanding any provision of law to the contrary, the chancellor of 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	\$1,000,000

Scholarship Programs.

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 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 program 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; provided further, that funds provided herein may also be obligated 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 program shall be administered by the board of regents, including not more than forty-four positions, prior appropriation continued	\$6,598,284
---------------	---	-------------

ACTS, 1987. - Chap. 199.

Item		
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	\$673,920
7070-0075 For	the expenses of a statewide youth awareness program, to be administered by the Higher Education Information Center of the Education Resources Institute in accordance with section eight of chapter fifteen A of the General Laws	\$90,000
7077-0020 For	the expenses of the New England Board of Higher Education and for the expenses of the members of said board	\$380,789
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, that contracts relative thereto are approved by the chancellor of the board of regents; provided further, that contracts entered into with medical students shall be administered in conjunction with the State Health Education Center at the University of Massachusetts Medical Center; provided further, that four new contracts shall be established in fiscal year nineteen hundred and eighty-eight within said medical programs and are to be restricted to students who commit to specializing in primary care	\$2,040,000
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 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	\$4,800,000

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, however, that said board may, on July one, nineteen hundred and eighty-seven, allocate from this appropriation an amount equal to up to ten per cent of the fiscal year nineteen hundred and eighty-seven appropriation for this purpose to
---------------	---

Item

cover the ordinary maintenance of the existing system of institutions of higher education pending legislative approval of said allocation plan; provided further, that the University of Massachusetts board of trustees shall, in conjunction with the State Health Education Center at the University of Massachusetts Medical Center, 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 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; provided further, provided further, that not less than nine hundred thirty thousand four hundred and forty-three dollars 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 institute; provided further, that of the sum appropriated herein, not less than one hundred sixty thousand dollars shall be obligated for the purposes of the State Health Education Center at the University of Massachusetts Medical Center; 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 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 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 sum appropriated herein, not less than two hundred and fifty thousand dollars shall be obligated for the purposes of the Paul E. Tsongas Industrial History

Item

Center at the University of Lowell; provided further, that of the amount appropriated herein, not less than three hundred twenty-five thousand dollars shall be obligated for the purposes of research and analytical studies by Monroe Trotter Institute at the University of Massachusetts at Boston; provided further, that of the sum appropriated herein, not less than four hundred twenty-five thousand dollars shall be obligated for the purposes of a public policy center at the University of Massachusetts at Boston; provided further, that of the sum appropriated herein, not less than five hundred fifty-four thousand four hundred and seventy-five dollars shall be obligated for the expenses of a Gerontology Institute at the University of Massachusetts at Boston, including one hundred sixty-eight thousand nine hundred dollars for the endowment of a chair named in honor of the late Frank Manning; provided further, that of the sum appropriated herein, not less than six hundred fourteen thousand four hundred and fifty-eight dollars shall be obligated for the expenses of the William Joiner Center at the University of Massachusetts at Boston; provided further, that of the sum appropriated herein, not less than two hundred fifty-three thousand four hundred and seventy-five dollars shall be obligated for the expenses of the William Joiner Center Archives Department at the University of Massachusetts at Boston; provided further, that of the sum appropriated herein, not less than two hundred thousand dollars shall be obligated for the purposes of an Institute of Urban Harbors at the University of Massachusetts at Boston; provided further, that of the sum appropriated herein, not less than seventy-five thousand dollars shall be obligated for the purposes of the Center for Rural Massachusetts at the University of Massachusetts at Amherst; provided further, that of the sum appropriated herein, not more than eighty-four thousand dollars may be allocated for the Demonstration School of the College of Education at the University of Lowell; provided further, that the chancellor of the board of regents shall require said institutions to provide interpreters for the deaf and hard-of-hearing where necessary; provided further, that of the sum appropriated herein, not less than five hundred thousand dollars shall be obligated for the purposes of the Lawrence education employment project (LEEP) at Northern Essex Community College; 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 five hundred positions

\$581,600,000

7100-0102 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

\$4,681,972

ACTS, 1987. - Chap. 199.

Item

7100-0103 For	a program by Middlesex Community College in Lowell, including not more than sixty-one positions	\$1,000,000
7100-0110 For	a reserve for the establishment of collaborative educational programs between the public and independent institutions of higher education and elementary and secondary schools within 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 no less than three hundred thousand dollars shall be allocated to establish international studies resource centers in no less than three regions of the commonwealth; 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	\$9,225,000
7400-0200 For	the expenses of the Massachusetts corporation for education 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 and progress made by the corporation	\$677,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Office of the Secretary.

8000-0100 For	the office of the secretary, including not more than eleven positions	\$624,279
	Highway Fund	85.0%
	General Fund	15.0%



ACTS, 1987. - Chap. 199.

Item

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 fifty-eight positions	\$3,160,099
8000-0110	For the administration and operation of the criminal justice information system, including not more than forty-eight positions	\$2,241,621
	Highway Fund	50.0%
	General Fund	50.0%
8000-0150	For the LEAPS/CJIS Terminal Network	\$1,401,901
	Highway Fund	50.0%
	General Fund	50.0%
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 nine positions	\$450,000

Architectural Access Board.

8000-0500	For the expenses of the board, including not more than five positions	\$326,078
-----------	---	-----------

Massachusetts Criminal Justice Training Council.

8200-0200	For the administration and operation of 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 not less than one hundred and seventy-one thousand dollars be obligated for occupational stress training at the Agawam training center, and for the position of regional director to be established at the Agawam training center; provided further, that the position of regional director and the position of principal clerk be established at the Barnstable training center, including not more than fifty-nine positions	\$3,637,729
-----------	--	-------------

Department of Public Safety.

8311-1000	For the administration of the department, including not more than seventy positions	\$1,830,211
8311-2060	For the administration and operation of the crime laboratory, including not more than thirty-one positions	\$1,345,663
8311-2080	For the operation of an automated fingerprint identification system	\$1,061,559

Division of State Police.

ACTS, 1987. - Chap. 199.

Item

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 those described above unless they are replaced by another officer, including not more than one thousand three hundred and forty-four positions	\$49,019,970
	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, including not more than sixteen positions	\$870,000
	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 per cent of the amount designated for said arson program shall be expended for the administrative cost of the program, including not more than fifteen positions	\$480,886
-----------	--	-----------

ACTS, 1987. – Chap. 199.

Item

Division of Inspection.

8315-1000	For the administration of the division; provided, that not less than fifty thousand dollars be obligated for automation and telecommunication purposes, including not more than ninety-eight positions	\$2,885,000
-----------	--	-------------

Board of Pipefitters and Refrigeration Technicians.

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 two positions	\$83,755
-----------	---	----------

State Boxing Commission.

8317-1000	For the administration of the commission, including not more than one position	\$46,911
8319-1000	For the administration of an eye examination program for all boxers participating in events regulated by the state boxing commission; provided that the commission shall charge professional boxers for the cost of said eye exams; provided further, that a doctor's certificate from another state will be accepted as evidence of such an examination	\$50,000

Board of Fire Prevention Regulations.

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	\$48,280
-----------	---	----------

Massachusetts Fire Fighting Academy.

8350-0100	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 notwithstanding the provisions of any general or special law to the contrary, sums for the estimated expenses of the operation of training facilities and curriculum for fire fighting personnel of the Massachusetts fire fighting academy, not to exceed one million dollars per year, as may be appropriated therefor, shall be paid to the commonwealth by insurance companies writing fire, homeowners multiple peril or commercial multiple peril policies on property situated in the commonwealth within thirty days after notice from the commissioner of such estimated expenses; provided further, that said funds shall be apportioned according to the provisions set forth in section one hundred and ninety-five of chapter one hundred and seventy-five of the General Laws, including not more than seventeen positions	\$1,357,916
-----------	--	-------------

ACTS, 1987. - Chap. 199.

Item

Registry of Motor Vehicles.

8400-0001 For	the administration of the registry; provided, that the positions of administrative assistant to the registrar, legislative assistant, executive assistant to 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; provided further, that forty per cent of the cost of personnel services associated with the computer, which reflects the proportionate use of said computer by the merit rating board, shall be assessed to insurance companies doing motor vehicle insurance business in the commonwealth, pursuant to section one hundred eighty-three of chapter six of the General Laws, including not more than one thousand two hundred and ninety-four 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		\$33,435,050
	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 fifty-eight positions		\$3,505,539
	Highway Fund	100.0%	
8400-0004 For	the operation and expenses of the registry computer		\$2,392,966
	Highway Fund	100.0%	
8400-0006 For	the administration and operation of a motor carrier safety assistance program		\$300,000
8400-0007 For	a staffing reserve for pilot programs at certain registry offices; provided that not less than one hundred thousand dollars be obligated to the Norwood registry for nighttime operating hours no less than one evening per week, for a pilot program to establish a separate commercial registration unit, and for creating and staffing the position of title review officer at the Norwood registry; provided further, that not less than one hundred and ninety-seven thousand dollars be obligated for the first year costs of a registry office in the Roxbury/Dorchester/Mattapan area of the city of Boston; provided further, that not less than one hundred and eighty thousand dollars be obligated to operate and maintain a registry office in the town of Northbridge, 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		\$1,408,861
	Highway Fund	100.0%	
8400-0100 For	expense 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		

ACTS, 1987. - Chap. 199.

Item

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 ninety-eight positions \$3,589,286

Capitol Police.

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-five positions \$2,919,311

Committee on Criminal Justice.

8600-0001 For the administration of the committee on criminal justice, including not more than twelve positions \$470,079

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.

8700-0001 For the office of the adjutant general, including not more than thirty-four positions \$1,213,661  
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 \$2,604,082  
8700-1300 For the Camp Curtis Guild rifle range, including not more than seven positions \$148,566  
8700-1410 For certain storage and maintenance facilities, including not more than twenty-two positions \$405,082  
8700-1510 For certain national guard aviation facilities, including not more than eight positions \$232,827

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.

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, including not more than forty positions \$643,297  
8800-0002 For the service of the civil defense agency nonmatching fund program; provided, however, that

ACTS, 1987. - Chap. 199.

Item

	from the sum appropriated herein not less than one hundred and twenty-five 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	\$132,000
8800-0012 For	the maintenance of existing emergency communications equipment operated by the civil defense agency	\$10,742
8800-0100 For	matters pertaining to nuclear safety emergency preparedness; provided, that the director of the office of civil defense and emergency preparedness may enter into agreements with other state agencies for the purposes of undertaking this effort; provided further, that the costs of this effort, including fringe benefits and indirect costs, shall be assessed on nuclear regulatory commission licensees operating nuclear power generating facilities in the commonwealth; provided further, that the department of public utilities shall develop an equitable method of apportioning said assessments among said licensees; provided further, that said assessments shall be paid during the fiscal year as provided by the department of public utilities and shall be credited to the general fund; provided further, that funds appropriated herein may be spent for the development and evaluation of radiological emergency response plans for nuclear generating plants licensed to operate at full power and located within the commonwealth; provided further, that in no case may funds from this account be spent to implement radiological emergency response plans without the approval of the governor; provided further, that in no case may funds from this account be used for the development, evaluation or implementation of radiological emergency response plans for Seabrook Station; provided further, that the secretary shall file a report with the joint committee on energy on or before December first, nineteen hundred and eighty-seven, detailing the activities undertaken with regard to this line item; and provided further, that no expenditures may be made from this item without the prior approval of the secretary of public safety, including not more than eleven positions	\$175,000
	General Fund	96.9%
	Local Aid Fund	3.1%
<u>Governor's Highway Safety Bureau.</u>		
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	\$138,507
	Highway Fund	100.0%

Item

**EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.**  
Office of the Secretary.

9000-0100 For	the office of the secretary, including not more than twelve positions	\$639,000
9000-0102 For	the expenses of the Massachusetts Technology Park Corporation	\$3,577,000
9000-0104 For	the expenses of a corporate child care resource center	\$100,000
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, including not more than two positions	\$853,689
9000-0110 For	the expenses of the centers of excellence corporations	\$3,344,755
9000-0112 For	the operation of satellite job training centers in Boston, Springfield and Cambridge	\$1,000,000
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 the purposes of the 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, including not more than one position	\$862,774
9000-0400 For	the expenses of the Bay State Skills Corporation	\$1,862,500
9000-0600 For	funding titles IIA and IIB of the Job Training Partnership Act, for the purpose of alleviating the effects of federal reductions in funding	\$1,000,000
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	\$3,800,000
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	\$295,000
9000-1716 For	the administration of the Massachusetts Product Development Corporation	\$200,000
9000-1800 For	the establishment of a reserve for the purpose of alleviating the effects of federal reductions in funding of the division of employment security, provided that no expenditures shall be made from this item until such time as the report required by section one hundred and twelve of this act has been filed and a schedule of proposed expenditures has been approved by the house and senate committees on ways and means, provided further, that funds from this item may be transferred to other items of appropriation within the executive office of economic affairs	\$6,431,060

Division of Employment Security.

9081-0350 For	the administration of the division of employment security and 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	\$2,500,000
9081-7000 For	the payment of reemployment assistance benefits and health insurance benefits as provided by sections seventy-one F and seventy-one G of chapter one hundred and fifty-one A of the General Laws	\$6,000,000

**ACTS, 1987. - Chap. 199.**

Item

9081-7006 For the expenses of the MassJobs Southeast Project \$500,000

Department of Commerce and Development.

9091-0100 For the administration of the department, including not more than sixty-five positions \$1,800,000

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 \$145,448

9091-0211 For financial assistance for local tourist councils; provided, that the office develop a formula for the distribution of said funds which shall be filed with the house' and senate committees on ways and means \$2,228,524

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 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-five 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; provided further, that any materials purchased for said promotions shall be manufactured within the commonwealth \$7,800,000

9091-0325 For the promotion and marketing of overseas international tourism \$650,000

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 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



Item

	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 Corporation in this regard provided further, that the office perform a study to determine the feasibility of a program to allow expansion or relocation of machine tool and automotive businesses into vacant industrial space in the city of Springfield; 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); and provided further, that no funds appropriated herein shall be used for the maintenance and administration of the department; 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	\$775,000
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; provided further, that not more than one hundred thousand dollars be obligated for the activities of the international coordinating council	\$835,000
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 per cent 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	\$647,123
9091-0408 For	a study to determine the feasibility of constructing a conference center at Southeastern Massachusetts University in the town of Dartmouth	\$40,000
9091-0410 For	the establishment and operation of foreign offices in the United Kingdom and Japan to provide trade assistance and trade development services for the commonwealth; provided, that such services shall include, but shall not be limited to, the development of information on trade and export opportunities in Europe and Japan for Massachusetts-based companies, and the development of foreign investment opportunities in the commonwealth	\$300,000
9091-0516 For	the expenses of the state office of minority business assistance, including not more than twenty-five positions	\$596,628
9091-0520 For	the purpose of a study to be conducted by the government land bank to examine the capital needs of the forest/wood products industry and design a program of assistance	\$70,000

ACTS, 1987. – Chap. 199.

Item

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	\$248,000
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	\$500,000
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	\$536,312

**EXECUTIVE OFFICE OF ELDER AFFAIRS.**

Office of the Secretary.

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, and program planning and management are maintained; provided further, that said department shall expend not more than fifty thousand dollars on a contract for an independent study of the caseload requirements for case managers and file said study with the house and senate committees on ways and means by February first, nineteen hundred and eighty-eight, including not more than seventy-one positions	\$3,244,621
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 eligible services as authorized under Title III of the Older Americans Act	\$900,000
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 not less than five hundred thousand dollars and not more than one million 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,	

Item

	home health aid, nursing management and nursing assessments; provided further, that not more than two million five hundred thousand 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 report of actual monthly home care purchase of service expenditures detailing the total number of clients, number of clients by so-called FIL, number of clients entering and leaving the home care program by so-called FIL, client origination data by so called FIL, cost per client, and number of service days for that month; provided further, that the department of elder affairs shall submit said report to the house and senate committees on ways and means and the secretary of administration and finance, no later than two months following the month reported; and provided further, that the department shall maximize available federal and third party reimbursements for program expenses including reimbursements under the Title XIX of the Social Security Act; provided further, that any federal funds received from the federal government for the purposes of this item shall be credited to the General Fund; and provided further, no funds appropriated herein shall be expended from this item for the expenses of home care corporations' administration or case management services	\$89,959,752
9110-1631 For	contracts between the department of elder affairs and home care corporations or other qualified bidders for the administration of the home care program funded through line item 9110-1630 of this act; provided, that said contracts shall include the costs of administrative personnel, home care case managers, travel, rent and any other costs deemed appropriate by the department; provided further, that homecare corporations who receive contracts from said department for fiscal year nineteen hundred and eighty-eight shall provide not more than a three per cent cost of living salary increase for home care corporation personnel employed as of July first, nineteen hundred and eighty-seven; provided further, that the department of elder affairs shall submit a monthly actual expenditure report detailing salaries paid for case managers and administrative home care corporation personnel, rent, operating costs, and all other support costs incurred by home care corporations and additions and deletions of positions authorized by the department of elder affairs including the purposes of such additions and deletions; provided further that the department of elder affairs submit said report to the house and senate committees on ways and means and the secretary of administration and finance no later than the last day of the following month; and provided further, no funds appropriated herein shall be expended for the direct purchase of home care, home health or related services	\$37,938,290
9110-1635 For	a demonstration 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	\$133,900

ACTS, 1987. - Chap. 199.

Item

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 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	\$656,462
9110-1660 For	a program of congregate and shared housing services for the elderly, prior appropriation <i>continued</i>	\$374,395
9110-1665 For	contracting with a nonprofit organization charged with the promotion, counselling and education on home equity conversion and related elderly housing programs and opportunities; provided, that said nonprofit organization 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; and provided further, that not less than one hundred thirty thousand dollars shall be obligated for the payment of elderly home equity counselors with nonprofit organizations that currently participate in home equity conversion activities and training and start-up for one or more additional counselors in areas of the commonwealth not currently served by the home equity conversion program	\$179,050
9110-1700 For	a program to improve the ability of clients receiving services through item 9110-1630 of this act to remain in their homes by removing architectural and physical barriers therein; provided, that a so-called "adaptive housing" program shall be administered through a contract negotiated by the department of elder affairs with a non-profit entity familiar with "adaptive housing" techniques; provided further, that not less than ninety per cent of the amount appropriated herein shall be expended directly for such improvements	\$150,000
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; provided further, that not less than one	

Item

hundred and fifty thousand dollars shall be expended for the retired senior volunteer program; provided further, that not less than two million nine hundred seventy thousand five hundred eighty-five dollars shall be obligated for the administration of a meals program for elderly persons; provided further, that the department of elder affairs shall maximize federal reimbursement for meals served herein; and provided further, that not less than three million one hundred and forty thousand dollars shall be obligated for grants to councils on aging

General Fund	100.0%	\$7,413,225
--------------	--------	-------------

**EXECUTIVE OFFICE OF CONSUMER AFFAIRS.**

Office of the Secretary.

9200-0100 For	the office of the secretary, including not more than twenty positions	\$744,357
9200-0150 For	new car arbitration, including not more than three positions	\$138,562
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	\$75,000

State Racing Commission.

9210-0001 For	the administration of the commission, including not more than forty-five positions	\$2,646,496
---------------	--	-------------

Alcoholic Beverages Control Commission.

9212-0001 For	the administration of the commission, including not more than forty-two positions	\$1,249,162
---------------	---	-------------

Community Antenna Television Commission.

9215-0001 For	the administration of the community antenna television commission, including not more than nine positions	\$358,884
---------------	---	-----------

Division of Standards.

9218-0100 For	the administration of the division of standards, including not more than twenty-nine positions	\$759,000
---------------	--	-----------

Division of Banks.

9221-1000 For	the office of the commissioner, including not more than one hundred and seventy positions	\$5,785,000
---------------	---	-------------

Division of Insurance.

ACTS, 1987. - Chap. 199.

Item

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 the 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 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 ninety-five positions		\$5,295,149
	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		\$518,000
	Highway Fund	100.0%	

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; and provided further, that not less than nine positions shall be located in the western Massachusetts office, including not more than one hundred and forty positions		\$4,476,713
9230-0150 For	the expenses of the board of registration and discipline in medicine and the committee on acupuncture, including not more than fifty-one positions		\$1,938,926

Department of Public Utilities.

9270-0001 For	the general administration of the department; provided, that notwithstanding the provisions of the second sentence of the first paragraph of section eighteen of chapter twenty-five of the General Laws, the assessments levied pursuant to said first paragraph of said section for the fiscal year eighty-eight shall be made at a rate sufficient to produce not more than three million four hundred seventy thousand eight hundred and seventeen dollars, including not more than one hundred and twenty-two positions		\$3,470,817
---------------	--	--	-------------

Commercial Motor Vehicle Division.

9272-0001 For	the administration of the division, including not more than nineteen positions		\$567,949
	Highway Fund	100.0%	

Item

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 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 by October first, nineteen hundred and eighty-seven, to the commissioner of administration and the house and senate committees on ways and means the status of all programs, including detailed description of expenditures made by each program during the fiscal year ending June thirtieth, nineteen hundred and eighty-seven, 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, including not more than forty-six positions  | \$1,644,758 |
| 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 eleven positions | \$466,415 |
| 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, and the commercial and   |           |

**ACTS, 1987. - Chap. 199.**

Item		
	apartment conservation service program pursuant to section twelve of chapter twenty-five A of the General Laws, including not more than nine positions	\$236,498
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, including not more than six positions	\$365,423
<b>EXECUTIVE OFFICE OF LABOR.</b>		
9400-0100 For	the office of the secretary, including not more than thirteen positions	\$506,161
9400-0102 For	the expenses of a Workplace Education project; provided, that this project shall support the operation of adult learning centers for working people in need of remedial education; and provided further, that the secretary of labor shall consult with the secretary of economic affairs and the commissioner of education in planning and operating the project	\$300,000
<u>Department of Labor and Industries.</u>		
9410-0100 For	general administration of the department, including not more than fifteen positions	\$473,878
9411-0100 For	the expenses of the division of industrial safety, including not more than seventy-eight positions	\$2,788,542
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	\$732,000
9412-0100 For	the expenses of the division of occupational hygiene, including not more than fourteen positions	\$588,856
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, including not more than nine positions	\$404,973
9413-0100 For	the expenses of the department in enforcing the minimum wage laws, including not more than eighteen positions	\$465,321
9414-0100 For	the expenses of the division of employment agencies, including not more than four positions	\$109,736

Division of Apprentice Training.



Item

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	\$518,000
---------------	---	-----------

Board of Conciliation and Arbitration.

9420-0100 For	the expenses of the board of conciliation and arbitration, including not more than nineteen positions	\$708,136
9421-0100 For	a joint labor-management committee, including not more than eight positions	\$392,801

Labor Relations Commission.

9430-0100 For	the administration of the commission, including not more than twenty-eight positions	\$943,263
---------------	--	-----------

Department of Industrial Accidents.

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 thirty-six positions	\$10,068,038
---------------	---	--------------

**FEDERAL GRANTS.**

**SECTION 2A.** Notwithstanding the provisions of any general or special law to the contrary, 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.

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.

The amount of any unexpended balance of federal funds received prior to June thirtieth, nineteen hundred and eighty-seven, 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-eight, in addition to any amount appropriated in this section.

**DISTRICT ATTORNEYS.**

0340-0558 For	the purposes of a federally funded grant entitled, Effective Prosecution of Child Abuse Cases	\$19,883
---------------	---	----------

ACTS, 1987. - Chap. 199.

Item

**SECRETARY OF THE COMMONWEALTH.**  
Massachusetts Historical Commission.

0526-0105 For	the purposes of a federally funded grant entitled, Massachusetts Historical Survey	\$370,452
0526-0115 For	the purposes of a federally funded grant entitled, Massachusetts Historical Preservation	\$48,000

**ATTORNEY GENERAL.**

0810-6646 For	the purposes of a federally funded grant entitled, Crime Victim Compensation	\$400,000
0840-0110 For	the purposes of a federally funded grant entitled, Crime Victim Assistance Programs	\$900,000

**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	\$323,398
1100-1523 For	the purposes of a federally funded grant entitled, Economic Development 302 Planning Assistance	\$50,000
1100-1703 For	the purposes of a federally funded grant entitled, Administering Agency for Developmental Disabilities	\$1,292,763
1100-1710 For	the purposes of a federally funded grant entitled, Massachusetts Developmental Disabilities Service	\$230,195

Office of Handicapped Affairs.

1107-2450 For	the purposes of a federally funded grant entitled, Client Assistance Program	\$136,000
---------------	--	-----------

Council on Arts and Humanities.

1121-9717 For	the purposes of a federally funded grant entitled, Promotion of Arts, Basic State Grant	\$347,000
1121-9718 For	the purposes of a federally funded grant entitled, Promotion of Arts, Artists in Education	\$135,000
1121-9719 For	the purposes of a federally funded grant entitled, Design Arts	\$85,000

Massachusetts Commission Against Discrimination.

1150-5329 For	the purposes of a federally funded grant entitled, Fair Housing Assistance Program-Type II	\$72,708
1150-5338 For	the purposes of a federally funded grant entitled, Fair Housing Assistance Program - Type I	\$128,000
1150-5339 For	the purposes of a federally funded grant entitled, Equal Employment Resolution Contract	\$372,630

Item

**EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.**

Office of the Secretary.

2000-0141 For	the purposes of a federally funded grant entitled, Coastal Zone Management Development	\$1,600,000
2000-0143 For	the purposes of a federally funded grant entitled, Estuarine Sanctuaries	\$650,000
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	\$3,500,000

**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.**

2100-9709 For	the purposes of a federally funded grant entitled, Recreation Planning	\$70,000
2120-9701 For	the purposes of a federally funded grant entitled, Rural Community Fire Protection Local Aid	\$31,525
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 Wood Utilization	\$120,000
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	\$169,218
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	\$1,600,000
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	\$100,000

**DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING.**

2200-9704 For	the purposes of a federally funded grant entitled, Solid Waste Disposal-Conservation and Recovery	\$1,600,000
2200-9705 For	the purposes of a federally funded grant entitled, Underground Water Protection	\$60,600
2200-9706 For	the purposes of a federally funded grant entitled, Water Quality Management Planning	\$800,000
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
2200-9745 For	the purposes of a federally funded grant entitled, Hazardous Waste Management and Regulatory Program	\$25,000
2240-9706 For	the purposes of a federally funded grant entitled, Accelerated Construction	\$600,000
2240-9707 For	the purposes of a federally funded grant entitled, Management of Construction Grants	\$1,400,000

**ACTS, 1987. - Chap. 199.**

**Item**

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	\$1,300,000
2240-9710 For	the purposes of a federally funded grant entitled, Administration of the Construction Program	\$5,000,000
2240-9713 For	the purposes of a federally funded grant entitled, Wastewater Laboratory Training Program	\$288,600
2250-9701 For	the purposes of a federally funded grant entitled, Public Water Supply Supervision	\$400,000
2250-9710 For	the purposes of a federally funded grant entitled, Statewide Air Pollution Control Program	\$2,900,000

**DEPARTMENT OF FISHERIES, WILDLIFE AND ENVIRONMENTAL LAW ENFORCEMENT.**

Division of Marine Fisheries.

2330-9706 For	the purposes of a federally funded grant entitled, Extended Fisheries Jurisdiction	\$35,504
2330-9709 For	the purposes of a federally funded grant entitled, Commercial Fisheries Research and Development	\$154,662
2330-9710 For	the purposes of a federally funded grant entitled, Cod Aging	\$36,558
2330-9712 For	the purposes of a federally funded grant entitled, Commercial Fisheries Statistics	\$253,438
2330-9719 For	the purposes of a federally funded grant entitled, Vessel Services Assessment	\$73,881
2330-9721 For	the purposes of a federally funded grant entitled, Anadromous Fish Management	\$56,310
2330-9722 For	the purposes of a federally funded grant entitled, PCB Monitoring and Finfish Disease Research-Buzzards Bay	\$40,753

Division of Environmental Law Enforcement.

2340-9701 For	the purposes of a federally funded grant entitled, Safe Boating Program	\$1,000,000
2350-9701 For	the purposes of a federally funded grant entitled, Cooperative Law Enforcement	\$30,000

**DEPARTMENT OF FOOD AND AGRICULTURE.**

Division of Regulatory Services.

2511-0310 For	the purposes of a federally funded grant entitled, Pesticide Enforcement	\$158,000
2511-0320 For	the purposes of a federally funded grant entitled, Pesticide Applicators	\$18,228

Division of Agricultural Development.

2516-9002 For	the purposes of a federally funded grant entitled, Development of Institutional Marketing	\$85,000
---------------	---	----------

**EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.**

3722-9013 For	the purposes of a federally funded grant entitled, Existing Housing Allowance Program, Section 8	\$45,800,000
---------------	--	--------------

ACTS, 1987. – Chap. 199.

Item		
3722-9014 For	the purposes of a federally funded grant entitled, Federal Housing Voucher Program	\$4,200,000
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	\$4,846,781
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 be expended without further appropriation	\$18,574,011
3724-9009 For	the purposes of a federally funded grant entitled, Substantial Rehabilitation, Section 8	\$2,090,331
3743-2030 For	the purposes of a federally funded grant entitled, Low Income Weatherization Assistance Program	\$4,500,000
3743-2033 For	the purposes of a federally funded grant entitled, Low Income Home Energy Assistance Program	\$76,415,799
3743-2034 For	the purposes of a federally funded grant entitled, Community Services Block Grant	\$8,677,819

EXECUTIVE OFFICE OF HUMAN SERVICES.

Office of the Secretary.

4000-0804 For	the purposes of a federally funded grant entitled, Targeted Assistance Grant to Foster Refugee Self-Sufficiency	\$621,108
4000-9400 For	the purposes of a federally funded grant entitled, Alcohol, Drug Abuse, and Mental Services Health Block Grant; provided, that not more than one per cent of said grant shall be expended by the Executive Office of Human Services for administration; provided further, that of said amount, not less than thirty thousand dollars shall be allocated to the Office of Health Policy within said office; and provided further, that the mental health portion of block grant funds shall only be allocated for the provision of direct care mental health services and programs	\$18,715,000

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; and 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
---------------	---	-------------

Massachusetts Rehabilitation Commission.

4120-0020 For	the purposes of a federally funded grant entitled, Vocational Rehabilitation	\$24,855,000
4120-0171 For	the purposes of a federally funded grant entitled, Psychiatric Rehabilitation Training Program	\$115,000
4120-0511 For	the purposes of a federally funded grant entitled, Determination of Disability	\$26,697,000

ACTS, 1987. - Chap. 199.

Item

4120-0760 For the purposes of a federally funded grant entitled, Independent Living \$835,000

Office for Children.

4130-2087 For the purposes of a federally funded grant entitled, Dependent Care Planning and Development \$50,764

Commissioner of Veterans' Services.

4170-0016 For the purposes of a federally funded grant entitled, Homeless Veteran Identification Program \$12,500

DEPARTMENT OF CORRECTION.

4311-1244 For the purposes of a federally funded grant entitled, Vocational Training with Prison Industries - MCI Norfolk \$20,000

4311-1247 For the purposes of a federally funded grant entitled, Dental Lab Technician Program for Incarcerated Women - MCI Framingham \$16,500

4311-1248 For the purposes of a federally funded grant entitled, Computer Learning Project \$24,000

4311-1249 For the purposes of a federally funded grant entitled, Computerized Braille Transcribing Program - MCI Framingham \$15,000

DEPARTMENT OF PUBLIC WELFARE.

4400-1012 For the purposes of a federally funded grant entitled, Medicaid Management Information Systems (MMIS); provided, that federal funds received for the purpose of Medicaid administration, not to exceed fifteen million, five hundred and seventy-eight thousand dollars shall be credited to this item \$15,578,000

4402-1041 For the purposes of a federally funded grant entitled, Conversion to Social Security - Administration \$905,000

4402-1045 For the purposes of a federally funded grant entitled, Medicaid Case Mix Grant \$446,500

4407-9001 For the purpose of a federally funded grant entitled, Work Incentive Demonstration Project and other federal reimbursements for employment and training; provided that federal funds received for the purpose of employment and training not to exceed six million dollars, shall be credited to this account \$6,000,000

DEPARTMENT OF PUBLIC HEALTH.

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 to Emergency

Item

	Medical Services provided however that not less than four hundred and fifty thousand dollars shall be obligated to the regions; provided further, that no less than one hundred and sixty-five thousand dollars be obligated for rape prevention and victim services	\$2,525,431
4500-2000 For	the purposes of a federally funded grant entitled, Maternal and Child Health Block Grant	\$10,300,000
4502-1012 For	the purposes of a federally funded grant entitled, Maintenance of the Cooperative Health Statistics System in Massachusetts	\$180,000
4510-0400 For	the purposes of a federally funded grant entitled, Health Insurance-Medicare	\$750,000
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	\$23,720
4510-9039 For	the purposes of a federally funded grant entitled, A Model Statewide Cancer Control Program	\$401,421
4510-9040 For	the purposes of a federally funded grant entitled, Diabetes Control Program	\$72,000
4510-9041 For	the purposes of a federally funded grant entitled, A Public Health Model System for Blood Cholesterol Screening, Education, Referral and Follow-up	\$227,609
4510-9042 For	the purposes of a federally funded grant entitled, Defibrillator Use Maintenance Investigation	\$5,103
4512-0102 For	the purposes of a federally funded grant entitled, Venereal Disease Control	\$250,430
4512-0179 For	the purposes of a federally funded grant entitled, Vaccination Assistance Project	\$565,580
4512-9405 For	the purposes of a federally funded grant entitled, Alcohol and Drug Abuse Treatment and Rehabilitation	\$1,757,000
4513-9007 For	the purposes of a federally funded grant entitled, Special Supplementary Food Program for Women, Infants and Children (WIC)	\$26,377,969
4513-9014 For	the purposes of a federally funded grant entitled, Injury Prevention Implementation Project	\$380,000
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	\$119,625
4513-9017 For	the purposes of a federally funded grant entitled, Recruitment Plus Project	\$18,000
4513-9018 For	the purposes of a federally funded grant entitled, Augmentation and Evaluation of Established Health Education/Risk Reduction Program	\$243,000
4515-0113 For	the purposes of a federally funded grant entitled, Health Program for Refugees	\$224,400
4515-0115 For	the purposes of a federally funded grant entitled, Outreach Case Register Services for Tuberculosis	\$131,327
4518-1000 For	the purposes of a federally funded grant entitled, National Death Index (NDI)	\$62,000
4518-1001 For	the purposes of a federally funded grant entitled, A National Linked Birth and Infant Death Data System	\$4,800
4518-1002 For	the purposes of a federally funded grant entitled, Social Security Administration Massachusetts Death File	\$17,760
4518-9021 For	the purposes of a federally funded grant entitled, Capacity Building Occupational Safety and Health Program	\$90,000

**ACTS, 1987. - Chap. 199.**

Item

**DEPARTMENT OF SOCIAL SERVICES.**

4800-0006 For	the purposes of a federally funded grant entitled, Sexual Abuse Treatment Outcomes: Effects on Children and Their Families	\$132,407
4800-0045 For	the purposes of a federally funded grant entitled, Social Services Block Grant	\$64,276,617
4899-0001 For	the purposes of a federally funded grant entitled, Child Welfare Services, Title IVB	\$2,800,195
4899-0005 For	the purposes of a federally funded grant entitled, Child Abuse and Neglect, Prevention and Treatment	\$183,993

**DEPARTMENT OF MENTAL HEALTH.**

5012-9107 For	the purposes of a federally funded grant entitled, A State History - Mental Health in Massachusetts	\$25,000
5012-9108 For	the purposes of a federally funded grant entitled, State Human Resource Development Program	\$100,000
5021-9101 For	the purposes of a federally funded grant entitled, Community Support Program	\$50,000
5021-9103 For	the purposes of a federally funded grant entitled, Refugee Mental Health Project	\$100,000

**EXECUTIVE OFFICE FOR TRANSPORTATION AND CONSTRUCTION.**

Office of the Secretary.

6000-0180 For	the purposes of a federally funded grant entitled, Statewide-Assistance Rural Public Transportation	\$880,000
6000-9923 For	the purposes of a federally funded grant entitled, UMTA Technical Studies	\$121,000
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
6006-0042 For	the purposes of a federally funded grant entitled, Massachusetts Airport System Plan	\$178,775

**EDUCATION.**

Libraries.

7000-9703 For	the purposes of a federally funded grant entitled, Interlibrary Cooperation - Title III	\$414,432
7000-9705 For	the purposes of a federally funded grant entitled, Library Services - Title I	\$1,836,780
7000-9707 For	the purposes of a federally funded grant entitled, Public Library Construction - Title II	\$504,367

**DEPARTMENT OF EDUCATION.**

Board of Education and Commissioner's Office.



ACTS, 1987. - Chap. 199.

Item

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
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	\$2,000,000

Division of Occupational Education.

7027-9116 For	the purposes of a federally funded grant entitled, Carl D. Perkins Vocational Education Act - Distribution	\$15,300,000
7027-9126 For	the purposes of a federally funded grant entitled, Carl D. Perkins Vocational Education Act-Administration	\$2,200,000

Division of Special Education.

7028-0012 For	the purposes of a federally funded grant entitled, Early Childhood Service Delivery	\$150,000
7028-0015 For	the purposes of a federally funded grant entitled, Massachusetts Administrators Training Project	\$49,035
7028-0018 For	the purpose of a federally funded grant entitled, Evaluation of the Effectiveness of Alternatives to Referral for Special Education Services	\$1,079,096
7028-0601 For	the purposes of a federally funded grant entitled, Education for the Handicapped Administration	\$1,752,000
7028-0816 For	the purposes of a federally funded grant entitled, State Operated Program for the Handicapped	\$10,500,000

Division of Curriculum and Instruction.

7030-0191 For	the purposes of a federally funded grant entitled, Coordination of Bilingual Education	\$106,000
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
7032-0207 For	the purposes of a federally funded grant entitled Robert C. Byrd Honors Scholarship Program - Administration	\$18,250
7032-0217 For	the purpose of a federally funded grant entitled, Robert C. Byrd Honors Scholarship Program - Distribution	\$165,000
7032-0227 For	purposes of a federally funded grant entitled, Drug Free Schools	\$2,400,000
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	\$1,581,616

ACTS, 1987. - Chap. 199.

Item

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	\$32,385,000
7035-0713 For	the purposes of a federally funded grant entitled, Early Childhood Incentive - Administration	\$486,000
7035-0716 For	the purposes of a federally funded grant entitled, Early Childhood Incentive - Distribution	\$750,000
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
7038-9724 For	the purposes of a federally funded grant entitled, Emergency Immigrant Education Assistance-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 - Distribution	\$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
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	\$1,600,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

Department of Public Safety.

8314-9707 For	the purposes of a federally funded grant entitled, Underground Storage Tanks - Registry Program	\$180,000
---------------	---	-----------

Firefighting Academy.

**ACTS, 1987. - Chap. 199.**

**Item**

8350-0150 For the purposes of a federally funded grant entitled, Residential Sprinkler Training \$10,000

**Committee on Criminal Justice.**

8600-0002 For the purposes of a federally funded grant entitled, Juvenile Justice Delinquency and Prevention Act Planning \$470,000

8600-0003 For the purposes of a federally funded grant entitled, Juvenile Justice, Delinquency and Prevention \$7,329,000

**Civil Defense Agency.**

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

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 \$525,000

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 \$1,835,243

**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 \$54,234,177

**Division of Employment Security.**

9081-0100 For the purposes of a federally funded grant entitled, Administration \$48,416,000

ACTS, 1987. - Chap. 199.

Item

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	\$3,100,000

EXECUTIVE OFFICE OF ENERGY RESOURCES.

9300-9642	For the purposes of a federally funded grant entitled, Institutional Conservation Program	\$47,772
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	\$84,300
9300-9742	For the purposes of a federally funded grant entitled, State Energy Conservation Plan	\$196,300
9300-9755	For the purposes of a federally funded grant entitled, Solar Energy Conservation Bank	\$85,000
9300-9756	For the purposes of a federally funded grant entitled, Section 155 - Oil Overcharge	\$1,760,000
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	\$62,220
9300-9759	For the purposes of a federally funded grant entitled, Oil Overcharge - Northeast Petroleum	\$149,800
9300-9762	For the purposes of a federally funded grant entitled, Oil Overcharge - EXXON	\$24,000,000
9300-9764	For the purposes of a federally funded grant entitled, Photovoltaic Training and Evaluation	\$879,669
9300-9766	For the purposes of a federally funded grant entitled, Oil Overcharge - Mass Gasoline/Middle Distillates	\$515,459
9300-7005	For the purposes of a federally funded grant entitled, Oil Overcharge - Diamond Shamrock	\$1,518,998
9300-7006	For the purposes of a federally funded grant entitled, Oil Overcharge - Stripper Well	\$8,400,000

EXECUTIVE OFFICE OF LABOR.

Department of Labor and Industries.

9411-2013	For the purposes of a federally funded grant entitled, Mine Safety and Health Training	\$67,500
9411-4203	For the purposes of a federally funded grant entitled, Occupational Safety and Health Administration Statistical Survey	\$80,000
9411-4204	For the purposes of a federally funded grant entitled, Supplementary Data System	\$250,000
9411-4206	For the purposes of a federally funded grant entitled, Contractor Certification - Asbestos Abatement	\$87,500
9411-9701	For the purposes of a federally funded grant entitled, OSHA Onsite Consultation Program	\$756,664

Item

**SECTION 2B.**

**JUDICIARY.**

0330-7881 For	a study of the former Durfee High School in Fall River, to determine the scope of renovations necessary for use as a court facility	\$100,000
0330-7883 For	certain renovations and improvements to the Franklin County Courthouse to make this facility accessible for those persons with physical and sensory disabilities, including the cost of furnishings and equipment	\$500,000
0330-7884 For	certain renovations and improvements to the Hampshire County Courthouse to make this facility accessible for those persons with physical and sensory disabilities, including the cost of furnishings and equipment	\$115,000

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.**

Office of Management Information Systems.

1101-7881 For	the purchase and installation of an electrical disaster recovery system	\$675,000
---------------	---	-----------

Division of Capital Planning and Operations.

1102-7881 For (1102-7872) (1102-7843)	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 1102-7872 of section two B of chapter two hundred and six of the acts of nineteen hundred and eighty-six	\$6,000,000
1102-7882 For (1102-7873) (1102-7844)	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 1102-7873 of section two B of chapter two hundred and six of the acts of nineteen hundred and eighty-six	\$1,300,000
1102-7884 For	studies and the preparation of plans, if necessary, and for renovations at various facilities of the commonwealth to provide child care	\$2,000,000
1102-7887 For (1102-8841)	the planning and demolition of certain structures including relocation and protection of utilities of various facilities of the commonwealth to be designated by the deputy commissioner of the division of capital planning and operations; 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; to be in addition to the amount appropriated in item 1102-8841 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three	\$500,000

ACTS, 1987. - Chap. 199.

Item

1102-7888 For (1102-7871) (1102-7841)	project programming studies, real property planning studies, and environmental impact reports, including cost estimates, for state agencies, excluding counties; provided, that 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 1102-7871 of section two C of chapter two hundred and six of the acts of nineteen hundred and eighty-six	\$5,000,000
1102-8880 For (1102-7846)	studies and for renovations to state-owned buildings to make said facilities functional for the physically handicapped in accordance with the provisions of section thirteen A of chapter twenty-two of the General Laws; to be in addition to the amount appropriated in item 1102-7846 of section two of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three	\$6,000,000
1102-8888 For	the preparation of plans, if necessary, and for the removal and/or encapsulation of asbestos containing material and all materials considered asbestos waste due to contamination from asbestos in the Leverett Saltonstall state office building, including any costs for relocation associated with this project; provided, that an allocation of funds shall be made from this item to item 1102-7872 of chapter two hundred and six of the acts of nineteen hundred and eighty-six equal to the amount expended from said item 1102-7872 on asbestos abatement projects in the Leverett Saltonstall building prior to the effective date of this act; provided further, that upon certification by the director of facilities management that asbestos abatement projects required in the Leverett Saltonstall building have been completed, the remaining balance, if any, in this item, shall be made available for the purposes of item 1102-7872 of chapter two hundred and six of the acts of nineteen hundred and eighty-six	\$14,000,000
1102-9880 For	a study, the preparation of plans, if necessary, and the installation of a sprinkler system in the Leverett Saltonstall state office building, including costs reasonably related thereto; provided, that an allocation of funds shall be made from this item to item 1102-8873 of chapter two hundred and six of the acts of nineteen hundred and eighty-six equal to the amount expended from said item 1102-8873 on the sprinkler system in the Leverett Saltonstall building prior to the effective date of this act; provided further, that upon certification by the director of facilities management that the installation of a sprinkler system required in the Leverett Saltonstall building has been completed, the remaining balance, if any, in this item, shall be made available for the purposes of item 1102-8873 of chapter two hundred and six of the acts of nineteen hundred and eighty-six	\$5,100,000
1102-9881 For (1102-8860)	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; to be in addition to and subject to the same conditions as the amounts authorized pursuant to section five of chapter seven hundred ninety-nine of the acts of nineteen hundred and eighty-five and section three of chapter six hundred and fifty-eight of the acts of nineteen hundred and eighty-six	\$13,700,000

Item

- 1102-9882 For repair and renovations to state owned courthouse facilities, including the cost of furnishings, equipment, and studies; provided that not less than one hundred and thirty-five thousand dollars shall be obligated to the historic preservation and renovation of the Norfolk Superior Court \$25,000,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

- 2000-7882 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 amounts appropriated in items 2000-9840 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three, and 2000-7872 of chapter two hundred and six of the acts of nineteen hundred and eighty-six, 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, appropriation to expire June thirtieth, nineteen hundred and eighty-eight \$449,391

Department of Environmental Management.

- 2120-7886 For the study and design of a visitors center at Walden Pond, the study of appropriate development of the Cape Cod Bay properties in Brewster, the study and the development of landscape conservation plans for scenic areas in the commonwealth, and the study of potential adverse impacts to archeological and historic sites of planned and implemented capital improvements to forest and park facilities \$500,000
- 2120-8884 For the continued development and associated costs in connection with the continuation of the Urban Heritage State Park program \$2,000,000

Metropolitan District Commission.  
Administration.

- 2410-7885 For a study and the preparation of plans, if necessary, and for the replacement of the three elevators at the metropolitan district commission headquarters, 20 Somerset Street, Boston, including replacement of power source and power lines \$1,600,000

Watershed Management Division.

- 2420-7884 For the study of water quality and water supply at metropolitan district commission reservoirs and

ACTS, 1987. - Chap. 199.

Item

	watershed areas; the study of structural deficiencies in water supply dams and emergency contingency plans related to dam failure; the study and inventory of watershed division equipment and facilities for the efficient management of same; and the study of land use in watershed areas for the environmental protection of such areas	\$400,000
2440-7887 For (2440-7874)	the preparation of plans and for the restoration, rehabilitation and repair of the Hatch Memorial Shell and surrounding grounds, including utilities landscaping, site work, lighting and statue restoration; to be in addition to the amount appropriated in item 2440-7874 of chapter two hundred and six of the acts of nineteen hundred and eighty-six	\$7,200,000

EXECUTIVE OFFICE OF HUMAN SERVICES.

Soldiers' Home in Massachusetts.

4180-7880 For	the study and preparation of plans, if necessary, for the replacement of the heat distribution system	\$150,000
---------------	---	-----------

Soldiers' Home in Holyoke.

4190-7884 For (4190-8811) (4190-8801)	the preparation of plans and construction to existing buildings to correct life safety code deficiencies, including doors, egress, emergency lighting, sprinklers, handicapped access and other related improvements; to be in addition to the amounts appropriated in item 4190-8811 of chapter five hundred and seventy-eight of the acts of nineteen hundred and eighty and item 4190-8801 of chapter seven hundred and ninety-eight of the acts of nineteen hundred and seventy-nine	\$850,000
---	--	-----------

Department of Youth Services.

4238-7880 For	certain renovations to Oak Cottage A on the grounds of Grafton State Hospital; including the cost of furnishings and equipment	\$900,000
---------------	--	-----------

Department of Correction.

4316-7880 For	a study of roofs and masonry at M.C.I. Norfolk to determine the scope of work necessary for renovations and repairs	\$200,000
---------------	---	-----------

Department of Public Health.

4536-7880 For	a study and the preparation of plans, if necessary, and for repairs and upgrading of elevators at Tewksbury Hospital including modifications to the existing service entrance switchboards and the existing power distribution system	\$4,293,000
---------------	---	-------------



ACTS, 1987. - Chap. 199.

Item

**EXECUTIVE OFFICE OF PUBLIC SAFETY.**  
Massachusetts Criminal Justice Training Council.

8200-7880 For engineering design and site preparation for the Criminal Justice Training Council's facility in the town of Tewksbury \$400,000

Fire Fighting Academy.

8350-7881 For the construction, reconstruction, and furnishings and equipment for a firefighting academy in the town of Stow; to be in addition to the amount appropriated in item 7000-8841 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three \$6,000,000

Military Division.

8700-7881 For a boundary survey of Camp Curtis Guild \$70,000

**EXECUTIVE OFFICE OF ELDER AFFAIRS.**

9110-7880 For the study and the preparation of plans, if necessary, and for the construction of an elevator at the Veronica Smith Senior Center in Brighton \$100,000

9110-7881 For the study and the preparation of plans, if necessary, and for the construction of an elevator at the Methuen Senior Citizens Center \$100,000

**SECTION 2C.**

**EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.**

Department of Public Works.

6020-7883 For a study, and preparation of plans, if necessary, and construction, reconstruction, purchase and installation of traffic signals at the intersection of Route 38 and Pleasant Street in the town of Tewksbury \$350,000

**SECTION 2D.**

**EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.**

Division of Capital Planning and Operations.

1102-7883 For repairs and renovations of state-owned property to prevent deterioration or costly future repairs as authorized and allocated by the deputy commissioner of the division of (1102-7870)

ACTS, 1987. - Chap. 199.

Item

	capital planning and operations in accordance with section two F 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; to be in addition to the amount appropriated in item 1102-7870 of section two B of chapter two hundred and six of the acts of nineteen hundred and eighty-six	\$4,000,000
1102-7885 For (1102-8872)	studies and the preparation of plans, if necessary, and for renovations for energy conservation at various facilities of the commonwealth; to be in addition to the amount appropriated in item 1102-8872 of section two B of chapter two hundred and six of the acts of nineteen hundred and eighty-six	\$2,000,000
1102-7886 For (1102-8873) (1102-7842)	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 the division of capital planning and operations and approved by the commissioner of administration; to be in addition to the amount appropriated in item 1102-8873 of section two B of chapter two hundred and six of the acts of nineteen hundred and eighty-six	\$2,000,000
1102-8881 For (1102-8871)	emergency repair projects of state-owned property; provided that the expenditure of funds for the purpose of this item shall be based on 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 1102-8871 of section two B of chapter two hundred and six of the acts of nineteen hundred and eighty-six	\$500,000

Bureau of State Office Buildings.

1102-8882 For	studies and the preparation of plans, if necessary, and for interior and exterior repairs and improvements at various facilities of the bureau of state office buildings, as authorized by the deputy commissioner of the division of capital planning and operations	\$2,000,000
1102-8883 For	studies and the preparation of plans, if necessary, and for fire protection improvements at various facilities of the bureau of state office buildings and for certain other improvements to eliminate fire hazards, including improvements to electrical distribution systems, as authorized by the deputy commissioner of the division of capital planning and operations	\$1,308,000
1102-8889 For (1102-9841)	a study, and the preparation of plans, if necessary, and for the rehabilitation of the building located at 100 Nashua Street in the city of Boston, including moving expenses; to be in addition to the amount appropriated in item 1102-9841 of section two B of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three	\$2,000,000

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.  
Department of Environmental Management.

2000-7881 For	a grant to the town of Duxbury in accordance with the provisions of the coastal facilities improvement program administered by the executive office of environmental affairs for repairs, improvements and other necessary actions to the Mattakeesett Court town pier and Snug Harbor	\$242,250
2120-7880 For (2120-7874) (2120-9847)	studies and the preparation of plans, if necessary, and for the rehabilitation, improvement and replacement of forest and park facilities; to be in addition to the amount appropriated in item 2120-7874 of chapter two hundred and six of the acts of nineteen hundred and eighty-six	\$14,000,000
2120-7881 For	the removal and appropriate disposal of sunken hulks and vessels in Gloucester and New Bedford harbors	\$500,000
2120-7882 For (2120-7849)	the preparation of studies and designs, if necessary, and for general renovations and improvements to the various inland and coastal waterways of the commonwealth, including participation with federal coastal waterway programs; to be in addition to the amount appropriated in item 2120-7849 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three	\$5,000,000
2120-7883 For	rehabilitation or replacement of the commonwealth's seawall in the town of Hull; to be in addition to any federal funds available for this purpose	\$500,000
2120-7884 For	the removal and appropriate disposal of a steel and concrete bunker at Edgartown Beach	\$200,000
2120-7887 For	the study, analysis and preparation of cost estimates, environmental impact reports and other plans for dredging and improvements to the Saugus River in the town of Saugus and the towns of Wakefield and Lynnfield	\$300,000
2120-7888 For	a study, the preparation of plans and the general renovation and improvement of the Lake Gardner Dam in the town of Amesbury	\$675,000
2150-7880 For	the evaluation and study, if necessary, for the maintenance and rehabilitation of unsafe dams located on property of municipalities and of the department of environmental management; provided, that not less than fifty thousand dollars be obligated for the study, evaluation and preparation of plans for the improvement and repair of the Pentucket Pond Dam in the town of Georgetown	\$1,000,000
2150-7881 For	the continuation of the Sandwich Marina Basin project including but not limited to the purchase and installation of new fuel tanks and the development of a parking area	\$98,000
2150-7882 For (2150-8848)	a study, and the preparation of plans, if necessary, and construction of drainage improvements along Mill Creek in Suffolk County; to be in addition to the amount appropriated in item 2150-8848 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three	\$3,300,000
2150-7883 For	an evaluation, preparation of studies, designs and plans, if necessary, for the reconstruction of	

ACTS, 1987. – Chap. 199.

Item

	damaged sections of the breakwater and construction for the placement of boulders and large rip rap including, but not limited to, the purchase of stone and the purchase, if necessary, and placement of filter fabric at Lane's Cove in the Lanesville area of Gloucester	\$500,000
2150-7885 For	the rehabilitation of the Fall River State Pier roof and for improvements to the State Pier	\$500,000
2150-7886 For	design and permit work to channel excavation and related improvements at Quequechan River in Fall River	\$50,000
2150-7887 For	the evaluation and study, if necessary, and for the repair of the Fenwick Street Dam in Framingham	\$225,000
2150-7888 For	repairs, improvements and the construction of run-off and drainage ditches for Spy Pond in the town of Arlington	\$200,000
2150-7889 For	a direct grant to the town of Chatham to be used to fund an ongoing study of the Chatham Harbor-Pleasant Bay estuary and barrier beach system	\$80,000
2150-8881 For	the dredging and erosion control to improve flow conditions of the Aberjona River/Wedge Pond in the town of Winchester	\$250,000
2150-8882 For	repairs and renovations to the Keyup Brook Dam in the town of Erving	\$70,000
2150-8884 For	dredging and erosion control in Hodgkins Cove in the town of Gloucester	\$200,000
2150-8885 For	engineering studies necessary for dredging of the Bass River in the town of Yarmouth	\$80,000
2150-8886 For	rehabilitation and design of the fishway at the Herring Weir in the town of Mattapoisett	\$225,000

Department of Environmental Quality Engineering.

2200-7880 For	interior and exterior repairs relating to the preservation and renovation of the Technical Services Branch building of the division of water pollution control in Westborough	\$87,000
2200-7887 For	study, design and construction of the extension of the Dracut water pipeline	\$1,200,000
2200-7888 For	a grant to the town of Lunenburg for the cost of the cleanup of an oil spill at the Lunenburg Elementary School	\$200,000

Department of Fisheries, Wildlife and Environmental Law Enforcement.

2310-7880 For	the reconstruction of the Sunderland trout hatchery, including construction of an above-ground tank system and upgraded water supply system	\$420,000
2310-7881 For	the testing and, if necessary, removal of certain underground fuel storage tanks	\$79,000
2320-7880 For (2320-8843)	the maintenance and repair of boat and canoe launching facilities; to be in addition to the amount appropriated in item 2320-8843 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three	\$900,000
2320-7881 For	study, design and construction of boat ramps in the towns of Newburyport, Groveland, Haverhill, and Salisbury	\$400,000

ACTS, 1987. - Chap. 199.

Item

Division of Environmental Law Enforcement.

2350-7880	For repairs to the High Ridge Training Facility in Gardner including road repair costs for public access	\$152,000
-----------	--	-----------

**METROPOLITAN DISTRICT COMMISSION.**

Division of Watershed Management.

2420-7880	For the repair, modification, rehabilitation and maintenance of water supply dams	\$1,200,000
2420-7881	For the repair, maintenance and rehabilitation of bridges in watershed areas	\$840,000
2420-7882	For the repair, maintenance and rehabilitation of buildings, houses and fixed equipment of the watershed management division	\$2,000,000

Metropolitan Parks District.

2440-7880	For repairs and rehabilitation of dams, water and flood control facilities, including cleaning and maintenance of streams and culverts	\$600,000
2440-7881	For interior and exterior repairs to the metropolitan district commission headquarters, including the cost of furnishings and equipment	\$500,000
2440-7882	For the preservation and repair of metropolitan district commission police stations	\$2,000,000
2440-7883	For the study and the preparation of plans, if necessary, and for the general restoration, rehabilitation, repairs, and landscaping and any costs related thereto; including, but not limited to, furnishings and equipment of the Metropolitan District Commission Skating Rinks	\$3,470,000
2440-7884	For the repair and rehabilitation of Boston Harbor Island facilities	\$1,100,000
2440-7885	For the repair and improvement of certain metropolitan district commission swimming pools, playgrounds, houses and golf courses	\$1,570,000
2443-7880	For repairs and renovations to the Stone Zoo	\$440,000

**EXECUTIVE OFFICE OF HUMAN SERVICES.**

Soldiers' Home in Massachusetts.

4180-7881	For a study and the preparation of plans, if necessary, and for the repair or replacement of the water pumps	\$300,000
4180-7882	For a study and the preparation of plans, if necessary, and for the replacement of the horizontal sewer lines	\$333,000
4180-7883	For a study and the preparation of plans, if necessary, and for the purchase and installation of a security system	\$197,000

ACTS, 1987. - Chap. 199.

Item

4180-7884 For the preparation of plans, if necessary, and for interior and exterior repairs and improvements to certain buildings, including site work, as authorized by the deputy commissioner of the division of capital planning and operations \$875,000

Soldiers' Home at Holyoke.

4190-7880 For the preparation of plans, if necessary, and for certain renovations, including but not limited to handicapped access and heating improvements, including the cost of furnishings and equipment \$226,000

4190-7881 For the preparation of plans, if necessary, and for certain repairs and improvements, including but not limited to mechanical and electrical systems, as authorized by the deputy commissioner of the division of capital planning and operations \$650,000

4190-7882 For the preparation of plans, if necessary, and for fire protection improvements and for certain other improvements to eliminate fire hazards, including improvements to electrical distribution systems, as authorized by the deputy commissioner of the division of capital planning and operations \$396,000

4190-7883 For certain renovations and improvements to the kitchen area, including the cost of furnishings and equipment \$1,117,000

Department of Youth Services.

4200-7880 For studies and the preparation of plans, if necessary, and for interior and exterior repairs and improvements to certain facilities, including site work, as authorized by the deputy commissioner of the division of capital planning and operations \$875,000

Department of Correction.

4311-7880 For studies, the preparation of plans, if necessary, and for certain repairs and renovations for security improvements at various correctional facilities; to be in addition to the amount appropriated in section seven of chapter seven hundred and ninety-nine of the acts of nineteen hundred and eighty-five \$2,000,000

4311-7881 For studies, the preparation of plans, if necessary, and for certain repairs and renovations for life safety and code compliance improvements at various correctional facilities; to be in addition to the amount appropriated in section seven of chapter seven hundred and ninety-nine of the acts of nineteen hundred and eighty-five \$2,000,000

Department of Public Health.

4510-7880 For studies and the preparation of plans, if necessary, and for interior and exterior repairs and

ACTS, 1987. - Chap. 199.

Item

	improvements at various facilities of the department of public health, including but not limited to roofing, mechanical and electrical systems, sitework, parking facility improvements and heating, cooling and ventilation systems, provided that not less than two hundred thousand dollars shall be expended for repairs to building number six at the Rutland Heights Hospital, as authorized by the deputy commissioner of the division of capital planning and operations	\$2,200,000
4510-7881 For	studies and the preparation of plans, if necessary, and for fire protection improvements at various facilities of the department of public health and for certain other improvements to eliminate fire hazards, including improvements to electrical distribution systems, as authorized by the deputy commissioner of the division of capital planning and operations	\$954,000

Lakeville Hospital.

4510-7883 For	water and sewer improvements on the site of Lakeville Hospital	\$650,000
---------------	--	-----------

Western Massachusetts Hospital.

4537-7880 For (4537-8841)	a study, and the preparation of plans, if necessary, and for the replacement of single pane steel casement windows; to be in addition to the amount appropriated in item 4537-8841 of section two of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three	\$129,000
------------------------------	--	-----------

Department of Mental Health.

5011-7880 For (5011-8844)	the repair and repainting of various water tanks located on the grounds of Taunton State Hospital, Worcester State Hospital, Dever State School and Wrentham State School; to be in addition to the amount appropriated in item 5011-8844 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three	\$309,000
------------------------------	--	-----------

BOARD OF REGENTS OF HIGHER EDUCATION.

Bridgewater State College.

7109-7880 For (7109-7871) (7109-8848)	a study, and the preparation of plans, if necessary, and construction for repairs, improvements and deferred maintenance of the facilities at Bridgewater State College; to be in addition to the amount appropriated in item 7109-8848 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three and any other funds made available for similar purposes in item 7109-7871 of section two B of chapter two hundred and six of the acts of nineteen hundred and eighty-six	\$280,000
7109-7881 For	a study and the preparation of plans and construction for repair and/or replacement of underground utility systems, including repairs to related equipment and facilities	\$600,000

ACTS, 1987. - Chap. 199.

Item

Fitchburg State College.

7110-7880 For the preparation of a study and for the preparation of plans, and construction for certain  
(7110-7871) repairs and renovations including but not limited to roofing replacements, masonry repairs, and  
(7110-8842) waterproofing, improvement of accessibility and improvements for public safety and building  
code requirements; to be in addition to the amount appropriated in item 7110-8842 of chapter  
seven hundred and twenty-three of the acts of nineteen hundred and eighty-three and any  
other funds made available for similar purposes in item 7110-7871 of chapter two hundred  
and six of the acts of nineteen hundred and eighty-six \$400,000

Framingham State College.

7111-7880 For repairs and/or replacements to steam and electrical distribution systems, including  
adjustments and repairs to related existing equipment and facilities \$1,200,000

North Adams State College.

7113-7880 For interior and exterior repairs including roofing, mechanical, electrical and utility systems,  
(7113-7871) ceiling, concrete, flooring, masonry, doors, and windows; to be in addition to the amount  
appropriated in item 7113-7871 of section two B of chapter two hundred and six of the  
acts of nineteen hundred and eighty-six \$550,000

Salem State College.

7114-7880 For a study, and the preparation of plans, if necessary, for repairs, improvements and  
(7114-7872) deferred maintenance of the facilities at Salem State College; to be in addition to the amount  
(7114-8842) appropriated in item 7114-8842 of chapter seven hundred and twenty-three of the acts of  
nineteen hundred and eighty-three and any other funds made available for similar purposes in  
item 7114-7872 of chapter two hundred and six of the acts of nineteen hundred and  
eighty-six \$400,000

Westfield State College.

7115-7880 For a study, and the preparation of plans, if necessary, and repairs, renovations and construction,  
(7115-7871) including purchase and installation of furnishings and equipment at Westfield State College; to  
(7115-8841) be in addition to the amount appropriated in item 7115-8841 of chapter seven hundred and  
twenty-three of the acts of nineteen hundred and eighty-three and any other funds made  
available for similar purposes in item 7115-7871 of chapter two hundred and six of the  
acts of nineteen hundred and eighty-six \$400,000



ACTS, 1987. - Chap. 199.

Item

Worcester State College.

7116-7880 For (7116-7872) (7116-8842)	a study, and the preparation of plans, if necessary, for repairs, improvements and deferred maintenance of the facilities at Worcester State College; to be in addition to the amount appropriated in item 7116-8842 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three and any other funds made available for similar purposes in item 7116-7872 of chapter two hundred and six of the acts of nineteen hundred and eighty-six	\$350,000
---	---	-----------

Massachusetts College of Art.

7117-7880 For	interior and exterior repairs	\$133,000
---------------	-------------------------------	-----------

Massachusetts Maritime Academy.

7118-7880 For	interior and exterior repairs including roofing, mechanical, electrical and utility systems, ceilings, concrete, flooring, masonry, doors, windows, walls, parking lots, walkways and roads	\$310,000
---------------	---	-----------

University of Lowell.

7220-7880 For (7220-7871)	interior and exterior repairs including roofing, mechanical and electrical systems, ceilings, concrete, flooring, masonry and windows; to be in addition to the amount appropriated in item 7220-7871 of section two B of chapter two hundred and six of the acts of nineteen hundred and eighty-six	\$800,000
------------------------------	--	-----------

Southeastern Massachusetts University.

7310-7880 For (7310-7873)	interior and exterior repairs including roofing, mechanical and electrical systems, ceilings, concrete, flooring, masonry and windows; to be in addition to the amount appropriated in item 7310-7873 of section two B of chapter two hundred and six of the acts of nineteen hundred and eighty-six	\$270,000
7310-7881 For	the preparation of plans and for construction, repair, modification, and/or replacement of heating, ventilating, air conditioning and water distribution systems; including adjustments and repairs to related existing equipment and facilities, including testing and balancing of air and water distribution systems	\$480,000

University of Massachusetts, Amherst.

ACTS, 1987. - Chap. 199.

Item

7410-7880 For (7410-7873) (7410-8845)	a study, and the preparation of plans, if necessary, and renovations and repairs to various buildings and facilities at the University of Massachusetts at Amherst and University field stations; 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 and any other funds made available for similar purposes in item 7410-7873 of chapter two hundred and six of the acts of nineteen hundred and eighty-six	\$3,000,000
7410-7881 For	studies and the preparation of plans, if necessary, and for repair, renovation, and/or replacement of utility systems or components, including steam and condensate piping, storm and sewage drainage systems, electrical distribution systems, domestic water and central chilled water distribution systems, including adjustments and repairs to related equipment and facilities	\$1,400,000
7410-7882 For	studies and the preparation of plans, if necessary, and for repairs to roads, walkways, and related site work including repair of related equipment, drainage systems, and facilities	\$1,000,000

University of Massachusetts, Worcester.

7411-7880 For	interior and exterior repairs including roofing, mechanical and electrical systems, ceilings, concrete, flooring, masonry, doors, windows, walls, parking lots, walkways and roads	\$1,400,000
7411-7881 For	repair or replacement of certain roofs	\$670,000
7411-7882 For	the removal and disposal of toxic substances in electrical transformers and for the refilling or replacement of transformers containing toxic substances	\$400,000
7411-7883 For	studies and the preparation of plans, if necessary, and for repairs, upgrading, and/or replacement of fire safety systems, and components, including boiler controls, sprinkler systems, smoke detectors, and fire alarm systems	\$900,000

University of Massachusetts, Boston.

7452-7880 For (7452-7873)	interior and exterior repairs including roofing, mechanical and electrical systems, ceilings, concrete, flooring, masonry, and windows; to be in addition to the amount appropriated in item 7452-7873 of chapter two hundred and six of the acts of nineteen hundred and eighty-six	\$400,000
7452-7881 For (7452-7875) (7452-8842)	the preparation of plans, if necessary, and for the repairs and renovations of the exterior of the Library Building 090 at the Harbor Campus; to be in addition to the amount appropriated in item 7452-7875 of section two B of chapter two hundred and six of the acts of nineteen hundred and eighty-six	\$376,000

Berkshire Community College.

ACTS, 1987. - Chap. 199.

Item

7502-7880 For interior and exterior repairs, including roofing, mechanical and electrical systems, ceilings, concrete, flooring, masonry and windows; to be in addition to the amount appropriated in item 7502-7871 of section two B of chapter two hundred and six of the acts of nineteen hundred and eighty-six \$460,000

Bristol Community College.

7503-7880 For certain repairs and renovations of the Durfee Street Building, including the cost of furnishings and equipment; to be in addition to the amount appropriated in item 7503-7871 of section two B of chapter two hundred and six of the acts of nineteen hundred and eighty-six \$30,000

7503-7881 For the preparation of plans, if necessary, and construction for interior and exterior repairs, including but not limited to roofing, windows, walks, and walls \$250,000

Cape Cod Community College.

7504-7880 For interior and exterior repairs including roofing, mechanical and electrical systems, ceilings, concrete, flooring, masonry, doors, and windows; to be in addition to the amount appropriated in item 7504-7872 of section two B of chapter two hundred and six of the acts of nineteen hundred and eighty-six \$50,000

Greenfield Community College.

7505-7880 For interior and exterior repairs including roofing, masonry and courtyards; to be in addition to the amount appropriated in item 7505-7871 of section Item two B of chapter two hundred and six of the acts of nineteen hundred and eighty-six \$310,000

Holyoke Community College.

7506-7880 For interior and exterior repairs including roofing, masonry, windows, walls, ceilings, concrete and flooring \$400,000

Massachusetts Bay Community College.

7507-7880 For interior and exterior repairs including roofing, mechanical and electrical systems, ceilings, concrete, flooring, masonry and windows; to be in addition to the amount appropriated in item 7507-7872 of section two B of chapter two hundred and six of the acts of nineteen hundred and eighty-six \$70,000

ACTS, 1987. – Chap. 199.

Item

Massasoit Community College.

7508-7880 For	a study and the preparation of plans, if necessary, and for the repairs to the existing cafeteria and student services areas for improved space utilization, including the cost of furnishings and equipment	\$300,000
---------------	--	-----------

Mount Wachusett Community College.

7509-7880 For (7509-7871)	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 7509-7871 of section two B of chapter two hundred and six of the acts of nineteen hundred and eighty-six	\$50,000
------------------------------	--	----------

Northern Essex Community College.

7510-7880 For (7510-8841)	a study, and the preparation of plans, if necessary, and renovations and improvements to the parking lot; to be in addition to the amount appropriated in item 7510-8841 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three	\$300,000
7510-7881 For (7510-7871)	interior and exterior repairs including campus roadways, heating, ventilation, air conditioning, ceilings, floors, walls, walkways, and terrazzo areas; to be in addition to the amount appropriated in item 7510-7871 of section two B of chapter two hundred and six of the acts of nineteen hundred and eighty-six	\$460,000

Quinsigamond Community College.

7512-7880 For (7512-7871)	interior and exterior repairs including roofing, mechanical and electrical systems, ceilings, concrete, flooring, masonry, and windows; to be in addition to the amount appropriated in item 7512-7871 of section two B of chapter two hundred and six of the acts of nineteen hundred and eighty-six	\$200,000
7512-7881 For	a study and the preparation of plans, if necessary, and for the modification, repair, or replacement of certain elevators including replacement of power source and power lines, including the cost of furnishings and equipment	\$250,000

Springfield Technical Community College.

7514-7880 For	interior and exterior repairs, including but not limited to roofing, flooring, ceilings, doors, masonry, certain historic buildings and restoration of historic fence	\$200,000
---------------	---	-----------

Item

Roxbury Community College.

7515-7880 For	a study and the preparation of plans, if necessary, and for the repair or replacement of the existing roofing and existing heating system for the Roxbury Community College building located on Commonwealth Avenue, formerly known as the Boston Business school	\$250,000
---------------	---	-----------

Middlesex Community College.

7516-7880 For	the preparation of plans and construction to provide an elevator in the Burlington campus building, and for repairs to increase handicapped accessibility	\$300,000
---------------	---	-----------

Bunker Hill Community College.

7518-7880 For (7518-7871)	interior and exterior repairs to certain buildings including roofing, flooring, ceilings, doors, masonry, and electrical and mechanical systems; to be in addition to the amount appropriated in item 7518-7871 of section two B of chapter two hundred and six of the acts of nineteen hundred and eighty-six	\$310,000
------------------------------	--	-----------

**EXECUTIVE OFFICE OF PUBLIC SAFETY.**

Division of State Police.

8312-7880 For	interior and exterior repairs of buildings and facilities of the division of state police	\$500,000
---------------	---	-----------

Military Division.

8700-7880 For	studies and the preparation of plans, if necessary, and for interior and exterior repairs to the buildings and facilities of the military division	\$800,000
---------------	--	-----------

**EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.**

Division of Employment Security.

9801-7880 For	interior and exterior repairs of buildings and facilities of the division of employment security	\$550,000
---------------	--	-----------

**SECTION 2E.**

**EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.**

Department of Public Works.

ACTS, 1987. - Chap. 199.

Item

6010-7880 For	a grant to the town of Lakeville and town of Middleborough for water and sewer improvements at Lakeville Hospital	\$2,550,000
6020-7880 For	interior and exterior repairs of buildings and facilities of the department of public works	\$600,000
6020-7882 For	testing, repairs and replacement, if necessary, of underground storage tanks owned by the department of public works	\$1,000,000

SECTION 2F.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Office of Management Information Systems.

1101-7880 For	the purchase and installation of certain computer equipment, including but not limited to the expansion of statewide automated accounting and performance management systems, including any costs related thereto	\$6,500,000
---------------	---	-------------

Motor Vehicle Management Bureau.

1102-7880 For (1102-8870)	a reserve for the purchase of heavy automotive equipment, including but not limited to trucks, tractors, bulldozers, and plows, to replace existing equipment and to provide additional vehicles; to be in addition to the amount appropriated in item 1102-8870 of section two C of chapter two hundred and six of the acts of nineteen hundred and eighty-six	\$5,460,000
------------------------------	---	-------------

Division of Capital Planning and Operations.

1102-7889 For	a reserve for the preparation of plans and the purchase and installation of certain computer and data processing equipment for the division of capital planning and operations, including any costs related thereto	\$500,000
---------------	---	-----------

Office of Telecommunications.

1102-8884 For	the study, the preparation of plans, if necessary, and construction of a telecommunications system and for the third node of a state-wide system to be located at the University of Massachusetts at Amherst, including the cost of furnishings and equipment	\$5,000,000
---------------	---	-------------

Office of Handicapped Affairs.

1107-7880 For	a reserve for the purchase and installation of certain computer and data processing equipment for the office of handicapped affairs, including any costs related thereto	\$55,000
---------------	--	----------

Item

**EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.**  
Office of the Secretary.

2000-7880 For the preparation of plans, if necessary, and the purchase and installation of certain computer and data processing equipment and related software for the departments, commission and secretary's office within the executive office of environmental affairs; provided, that the office of management information systems within the executive office for administration and finance shall be responsible for the evaluation of the needs of the executive office of environmental affairs and its agencies, the creation of a plan to meet such needs and the acquisition and installation of the equipment necessary to fulfill such plans; provided further, that no funds for the purchase of equipment shall be encumbered or expended until the office of management information systems has filed its plan for the uses of the sum appropriated herein with the house and senate committees on ways and means \$2,500,000

Department of Environmental Management.

2120-7885 For the purchase of certain fire control equipment and heavy equipment relative to maintaining forests, parks and recreational facilities \$900,000

Department of Environmental Quality Engineering.

2200-7882 For the purchase of technical equipment for the Lawrence experimental station and the division of air quality, for the purpose of environmental pollution analysis, including any costs related thereto \$1,020,000  
2200-7883 For the purchase of a boat and trailer for coastal monitoring and assessment by the division of water pollution control \$40,000  
2200-7884 For motor vehicles for the central region base in Worcester, to be used for hazardous waste clean-ups and spill responses, and for monitoring of air quality, water supply, and wetlands sites \$68,000  
2200-7885 For the purchase of a hazardous material vehicle and associated equipment for use in the county of Hampden \$100,000

Metropolitan District Commission.  
Watershed Management Division.

2420-7883 For the purchase of vehicles and heavy equipment to maintain and patrol watershed areas and facilities \$400,000

ACTS, 1987. - Chap. 199.

Item

Parks Division.

2440-7886 For	the purchase of vehicles and heavy equipment for the maintenance and improvement of parks division parkways, waterways, reservations, and facilities	\$1,200,000
2440-7888 For	the purchase of communications equipment, including portable radios, for the metropolitan district commission police force	\$1,000,000
2440-7889 For	a reserve for the purchase of two wreckers for the construction project along the Lynnway, Lynn	\$81,000

**EXECUTIVE OFFICE OF HUMAN SERVICES.**

4000-7880 For (4000-7871)	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; to be in addition to the amount appropriated in item 4000-7871 of section two C of chapter two hundred and six of the acts of nineteen hundred and eighty-six	\$2,000,000
------------------------------	---	-------------

Department of Youth Services.

4200-7881 For	the preparation of plans, if necessary, and for the purchase and installation of certain computer equipment, including any costs related thereto	\$230,000
---------------	--	-----------

Department of Correction.

4311-7882 For	a reserve for the purchase of heavy automotive equipment, including but not limited to trucks, tractors, bulldozers, and plows; provided that the expenditure of funds for the purpose of this item shall be based on schedules submitted to the house and senate committees on ways and means and to the secretary of the executive office of human services thirty days prior to expenditure of said funds	\$1,500,000
4311-7883 For	the purchase of equipment, including but not limited to communications, laundry and kitchen equipment; provided that the expenditure of funds for the purpose of this item shall be based on schedules submitted to the house and senate committees on ways and means and to the secretary of the executive office of human services thirty days prior to expenditure of said funds	\$500,000

Department of Public Health.



Item

- 4510-7882 For the purchase of equipment, including but not limited to x-ray units, sterilizers, hospital beds, medical and kitchen equipment; provided, that the expenditure of funds for the purpose of this item shall be based on schedules submitted to the house and senate committees on ways and means and to the secretary of the executive office of human services thirty days prior to expenditure of said funds \$3,000,000

DEPARTMENT OF EDUCATION.

- 7027-7887 For grants to cities, towns and regional school districts for the purchase, and installation, if necessary, of vocational education equipment; provided, that any funds that are distributed under this item to cities, towns or regional school districts shall be deposited with the treasurer of said city, town or regional school district and shall be held in a separate account and shall be expended by the school committee without further appropriation; provided further, that no grant shall be for less than five thousand dollars; provided further, that not less than fifty per cent of the dollar value of said grants shall be expended in cities, towns and regional school districts who are eligible for equal education opportunity grants \$200,000
- 7027-7888 For grants to cities, towns, regional school districts, independent vocational schools and educational collaboratives for the purchase and installation, if necessary, of electronic technology to be utilized in projects to demonstrate innovative applications of such technology to curriculum and instruction; provided that said grants shall be awarded by the board of education, pursuant to section fifty-six of chapter fifteen of the General Laws, in consultation with the state educational technology advisory council; provided, further, that any funds distributed under this item to cities, towns, or regional school districts shall be deposited with the treasurer of said city, town, or regional school district and shall be held in a separate account and shall be expended by the school committee without further appropriation \$1,000,000

BOARD OF REGENTS OF HIGHER EDUCATION.

- 7100-7880 For a reserve for the purchase, and installation if necessary, of special equipment including furnishings and equipment for the institutions of the system of higher education; provided that no funds shall be expended for the purpose of this item, except pursuant to schedules submitted by the board of regents to the house and senate committees on ways and means \$6,000,000
- 7100-7881 For a reserve for the purchase and installation of computer and telecommunications equipment, for the system of higher education; provided that a schedule be prepared by the board of regents and submitted to the house and senate committees on ways and means \$10,000,000
- 7100-7882 For a reserve for the purchase, and installation if necessary, of twenty-nine computerized reading machines for blind persons at center public institutions of higher education \$582,000

ACTS, 1987. - Chap. 199.

Item

**EXECUTIVE OFFICE OF PUBLIC SAFETY.**  
Massachusetts Criminal Justice Training.

8200-7881 For the purchase of certain equipment to be used for firearms training \$250,000

Division of State Police.

8312-7881 For the purchase of a boat to be used for waterway safety operations and support of local police on Martha's Vineyard and the Elizabeth Islands \$25,000

Division of Fire Prevention.

8314-7881 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 \$165,000

Massachusetts Firefighting Academy.

8350-7880 For the purchase of certain equipment to be used for fire training programs \$330,000

Civil Defense Agency.

8800-7880 For the purchase and equipping of five hazardous materials emergency response vehicles \$425,000

**SECTION 2G.**

**EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.**

Department of Public Works.

6020-7881 For furnishings and equipment necessary for the completion of the microwave base station (6020-8845) network; to be in addition to the amount appropriated in item 6020-8845 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three \$600,000  
6030-7880 For the installation of a Salt Storage Shed in the Town of Newbury \$100,000

**SECTION 3.** Notwithstanding the provisions of any general or special law to the contrary, the total amounts to be distributed and paid to each city, town, regional school district, and county maintaining an agricultural school from line items 0611-5500, 7035-0006, 7061-0003, and 7061-0008 of section two of this act shall be as set forth in the following list; provided, that the specified amounts to be distributed from item 7061-0008 of said section two are hereby deemed to be in full satisfaction of the amounts due under the provisions of section three, six, and seven of chapter seventy of the General

ACTS, 1987. - Chap. 199.

Laws. No payments to cities and towns pursuant to this section shall be paid after October first of the fiscal year by the state treasurer until he receives certification from the commissioner of revenue of said commissioner's acceptance of the prior fiscal years' annual financial report submitted pursuant to the provisions of section forty-three of chapter forty-four of the General Laws.

In the case of regional school districts, distributions pursuant to this section shall not be paid by the state treasurer after October first of the fiscal year until he receives certification from said commissioner of the acceptance of the prior year's annual financial reports as prescribed by the director of accounts. The unencumbered amount in the excess and deficiency fund established pursuant to section sixteen B 1/2 of chapter seventy-one of the General Laws shall constitute the amount certified to the regional school committee and the commissioner by the director of accounts as available on July first of the current fiscal year. Said director shall promulgate and from time to time revise rules and regulations for determining the available funds of a regional school district.

Line Items

<u>Regional School Districts</u>	<u>7061-0008</u>	<u>7061-0003</u>	<u>7035-0006</u>
Academic Schools			
ACTON BOXBOROUGH	763,203	858,303	340,812
ADAMS CHESHIRE	2,204,646	2,427,646	285,863
AMHERST PELHAM	2,324,467	1,480,010	425,526
ASHBURNHAM WESTMINSTER	1,316,758	1,919,005	481,151
ASHFIELD PLAINFIELD	117,082	179,077	73,350
ATHOL ROYALSTON	2,812,431	2,278,852	252,843
BERKSHIRE HILLS	742,027	722,199	504,094
BERLIN BOYLSTON	275,235	311,740	99,547
BLACKSTONE MILLVILLE	2,100,285	2,547,966	165,631
BRIDGEWATER RAYNHAM	1,276,209	1,475,957	259,894
BUCKLAND COLRAIN SHELBURNE	388,061	347,607	102,725
CENTRAL BERKSHIRE	1,125,093	2,481,550	887,070
CONCORD CARLISLE	486,007	444,762	300,446
DENNIS YARMOUTH	1,533,794	1,160,523	678,992
DIGHTON REHOBOTH	708,982	898,953	115,992
DOVER SHERBORN	317,809	304,889	244,969
DUDLEY CHARLTON	2,817,404	3,286,249	529,211
NAUSET	584,489	332,327	321,396
FREETOWN LAKEVILLE	1,018,461	1,439,360	357,001
FRONTIER	231,465	284,725	0

ACTS, 1987. – Chap. 199.

Line Items

<u>Regional School Districts</u>	<u>7061-0008</u>	<u>7061-0003</u>	<u>7035-0006</u>
GATEWAY	1,030,628	1,811,316	506,464
GROTON DUNSTABLE	675,890	1,320,810	232,669
GILL MONTAGUE	1,340,268	1,666,914	175,972
HAMILTON WENHAM	689,895	793,135	187,822
HAMPDEN WILBRAHAM	757,027	1,147,577	263,199
HAMPSHIRE	498,620	590,194	259,382
HAWLEMONT	43,139	107,055	81,215
KING PHILIP	1,316,318	1,310,940	286,936
LINCOLN SUDBURY	707,774	470,440	184,143
MARTHA'S VINEYARD	199,198	178,527	159,870
MASCONOMET	729,947	679,697	303,879
MENDON UPTON	771,462	1,307,845	208,388
MOUNT GREYLOCK	711,466	610,379	316,624
MOHAWK TRAIL	406,329	676,742	417,299
NARRAGANSETT	1,584,779	1,762,349	290,456
NASHOBA	302,348	429,259	218,107
NEW SALEM WENDELL	113,382	131,452	0
NORTHBOROUGH SOUTHBOROUGH	338,257	547,270	323,954
NORTH MIDDLESEX	3,214,797	4,579,958	677,234
OLD ROCHESTER	355,014	406,699	256,698
PENTUCKET	864,955	1,117,713	184,517
PIONEER VALLEY	121,568	341,807	129,019
PLYMOUTH CARVER	1,344,050	1,851,621	1,033,035
QUABBIN	2,347,703	2,450,744	662,782
RALPH C. MAHAR	995,371	990,650	176,412
SILVER LAKE	2,444,491	2,252,310	684,406
SOUTHERN BERKSHIRE	402,598	324,703	503,630
SPENCER EAST BROOKFIELD	4,365,105	2,937,212	268,202
TANTASQUA	904,398	1,162,777	0
TRITON	474,685	652,975	368,330
WACHUSETT	1,063,610	1,632,760	459,290
WARREN WEST BROOKFIELD	660,342	586,278	159,783
WHITMAN HANSON	1,597,932	1,418,621	332,062

ACTS, 1987. - Chap. 199.

Line Items

Vocational Schools	<u>7061-0008</u>	<u>7061-0003</u>	<u>7035-0006</u>
ASSABET VALLEY	1,586,407	891,462	510,557
BLACKSTONE VALLEY	1,751,290	825,970	337,354
BLUE HILLS	2,230,942	615,137	310,297
BRISTOL PLYMOUTH	1,774,884	1,180,184	180,777
CAPE COD	1,220,607	286,878	393,083
QUINOBIN	0	70,529	0
FRANKLIN COUNTY	673,934	738,396	350,944
GREATER FALL RIVER	2,489,404	1,052,701	103,787
GREATER LAWRENCE	3,899,246	1,635,725	551,817
GREATER NEW BEDFORD	4,753,136	2,045,316	167,440
GREATER LOWELL	5,068,444	3,029,251	569,780
SOUTH MIDDLESEX	1,517,367	578,418	261,854
MINUTE MAN	1,638,748	402,169	730,399
MONTACHUSETT	2,515,945	1,195,457	328,917
NORTHERN BERKSHIRE	1,078,787	695,891	188,405
NASHOBA VALLEY	983,741	712,201	318,585
NORTHEAST METRO	2,007,888	950,001	522,319
NORTH SHORE	768,616	201,500	228,000
OLD COLONY	950,354	709,256	205,159
PATHFINDER	623,329	502,329	197,050
SHAWSHOEN VALLEY	1,736,651	1,022,510	718,256
SOUTHEASTERN	3,087,855	1,382,518	321,228
SOUTH SHORE	767,535	607,122	131,348
SOUTH WORCESTER COUNTY	1,825,126	1,135,739	392,594
TRI COUNTY	1,096,754	782,593	386,996
<u>Regional School Districts</u>	<u>7061-0008</u>	<u>7061-0003</u>	<u>7035-0006</u>
UPPER CAPE COD	508,650	140,751	177,529
WHITTIER	2,661,935	1,438,423	700,529

ACTS, 1987. - Chap. 199.

	Line Items		
County Schools			
	<u>7061-0008</u>	<u>7061-0003</u>	<u>7035-0006</u>
BRISTOL AGRICULTURAL	519,703	0	0
ESSEX AGRICULTURAL	1,069,310	0	0
NORFOLK AGRICULTURAL	381,254	0	0

	Line Items	
Cities and Towns		
	<u>0611-5500</u>	<u>7061-0008</u>
ABINGTON	\$172,923	\$4,478,048
ACTON	923,115	1,064,539
ACUSHNET	95,732	2,230,701
ADAMS	130,084	1,037,612
AGAWAM	378,337	6,821,579
ALFORD	17,829	4,690
AMESBURY	790,658	4,531,737
AMHERST	1,311,943	4,488,566
ANDOVER	1,060,686	2,482,490
ARLINGTON	7,803,984	4,705,257
ASHBURNHAM	36,676	309,873
ASHBY	36,868	21,033
ASHFIELD	14,843	57,490
ASHLAND	1,047,240	811,687
ATHOL	71,203	1,806,699
ATTLEBORO	1,551,480	9,952,892
AUBURN	450,480	3,235,288
AVON	759,125	380,997
AYER	93,870	3,283,015
BARNSTABLE	196,220	2,699,029
BARRE	22,912	213,013
BECKET	107,082	7,208
BEDFORD	1,408,821	941,527
BELCHERTOWN	210,615	2,226,404

ACTS, 1987. – Chap. 199.

	Line Items	
	<hr/>	
<u>Cities and Towns</u>	<u>0611-5500</u>	<u>7061-0008</u>
BELLINGHAM	122,545	4,958,391
BELMONT	2,414,867	1,461,965
BERKLEY	29,744	862,186
BERLIN	16,060	412,441
BERNARDSTON	5,420	273,353
BEVERLY	4,554,822	4,670,694
BILLERICA	4,938,732	6,315,752
BLACKSTONE	44,422	606,028
BLANDFORD	21,067	64,822
BOLTON	70,903	198,892
BOSTON	265,705,620	66,870,066
BOURNE	1,291,340	1,182,024
BOXBOROUGH	133,107	160,346
BOXFORD	335,943	279,604
BOYLSTON	76,604	380,300
BRAINTREE	5,718,779	3,198,677
BREWSTER	248,984	272,025
BRIDGEWATER	433,305	4,190,436
BRIMFIELD	84,396	374,806
BROCKTON	13,583,359	32,415,656
BROOKFIELD	28,934	694,424
BROOKLINE	7,434,063	2,678,473
BUCKLAND	19,837	190,351
BURLINGTON	3,350,288	1,920,903
CAMBRIDGE	29,581,703	5,712,099
CANTON	2,042,897	1,396,042
CARLISLE	238,914	243,303
CARVER	211,016	1,553,202
CHARLEMONT	16,302	124,021
CHARLTON	66,201	563,457
CHATHAM	176,769	300,768
CHELMSFORD	5,254,471	2,846,228
CHELSEA	6,717,865	9,559,754
CHESHIRE	41,850	269,808

ACTS, 1987. – Chap. 199.

Line Items

<u>Cities and Towns</u>	<u>0611-5500</u>	<u>7061-0008</u>
CHESTER	45,762	111,566
CHESTERFIELD	26,761	128,899
CHICOPEE	5,949,746	14,399,598
CHILMARK	1,306	7,288
CLARKSBURG	33,362	643,192
CLINTON	1,463,907	3,541,280
COHASSET	623,156	603,619
COLRAIN	27,350	137,111
CONCORD	1,462,578	842,259
CONWAY	28,971	179,229
CUMMINGTON	7,408	66,685
DALTON	58,962	857,432
DANVERS	2,672,932	1,613,955
DARTMOUTH	387,971	4,207,273
DEDHAM	2,822,477	2,352,553
DEERFIELD	56,725	572,170
DENNIS	217,396	244,539
DIGHTON	75,477	1,106,063
DOUGLAS	80,873	948,836
DOVER	179,997	184,571
DRACUT	964,301	5,536,682
DUDLEY	52,891	733,814
DUNSTABLE	144,422	22,157
DUXBURY	524,024	1,458,419
EAST BRIDGEWATER	109,893	3,228,708
EAST BROOKFIELD	15,219	84,831
EAST LONGMEADOW	458,814	2,237,224
EASTHAM	14,053	162,590
EASTHAMPTON	426,760	5,093,994
EASTON	354,925	4,067,892
EDGARTOWN	276,042	108,906
EGREMONT	60,658	15,086
ERVING	134,245	146,129
ESSEX	183,131	214,259



ACTS, 1987. - Chap. 199.

	Line Items	
	<hr/>	
<u>Cities and Towns</u>	<u>0611-5500</u>	<u>7061-0008</u>
EVERETT	6,904,750	2,715,385
FAIRHAVEN	1,063,790	3,593,303
FALL RIVER	12,759,225	36,894,743
FALMOUTH	718,021	1,942,365
FITCHBURG	2,740,416	12,806,437
FLORIDA	38,731	45,463
FOXBOROUGH	174,477	3,321,750
FRAMINGHAM	9,812,747	4,180,152
FRANKLIN	1,255,044	4,349,216
FREETOWN	171,014	854,043
GARDNER	1,084,625	5,572,107
GAY HEAD	1,152	5,941
GEORGETOWN	338,593	1,340,930
GILL	6,227	39,904
GLOUCESTER	3,614,734	2,347,588
GOSHEN	26,485	46,633
GOSNOLD	10,731	1,312
GRAFTON	430,426	2,452,775
GRANBY	58,950	1,736,447
GRANVILLE	36,166	173,249
GREAT BARRINGTON	91,737	1,070,315
GREENFIELD	855,410	5,890,712
GROTON	70,387	605,697
GROVELAND	53,929	914,008
HADLEY	506,342	263,408
HALIFAX	81,092	1,278,087
HAMILTON	174,027	472,719
HAMPDEN	27,245	989,982
HANCOCK	38,345	62,204
HANOVER	2,531,624	1,292,580
HANSON	89,927	2,485,851
HARDWICK	14,229	183,850
HARVARD	231,657	1,608,274
HARWICH	301,539	624,931

ACTS, 1987. – Chap. 199.

Line Items

<u>Cities and Towns</u>	<u>0611-5500</u>	<u>7061-0008</u>
HATFIELD	16,516	458,849
HAVERHILL	6,568,437	11,322,626
HAWLEY	39,950	17,534
HEATH	12,777	31,346
HINGHAM	1,698,986	1,610,375
HINSDALE	34,598	164,191
HOLBROOK	803,625	3,084,830
HOLDEN	43,402	2,348,416
HOLLAND	91,715	134,003
HOLLISTON	1,247,072	2,269,975
HOLYOKE	5,860,294	17,694,791
HOPEDALE	134,446	939,728
HOPKINTON	633,628	696,421
HUBBARDSTON	34,677	53,593
HUDSON	626,185	4,676,329
HULL	2,426,521	1,872,649
HUNTINGTON	37,445	169,830
IPSWICH	1,536,424	1,000,177
KINGSTON	115,837	1,020,017
LAKEVILLE	111,075	835,908
LANCASTER	127,357	1,510,279
LANESBOROUGH	50,904	555,201
LAWRENCE	3,873,959	28,317,921
LEE	345,643	1,235,312
LEICESTER	68,982	3,618,652
LENOX	545,044	882,359
LEOMINSTER	2,233,815	8,856,674
LEVERETT	7,851	138,204
LEXINGTON	1,542,209	2,378,431
LEYDEN	4,724	46,763
LINCOLN	779,505	165,434
LITTLETON	622,982	517,228
LONGMEADOW	1,088,405	2,196,655
LOWELL	16,147,758	26,179,590

ACTS, 1987. - Chap. 199.

	Line Items	
	<hr/>	
<u>Cities and Towns</u>	<u>0611-5500</u>	<u>7061-0008</u>
LUDLOW	201,884	4,842,430
LUNENBURG	64,621	2,297,705
LYNN	18,501,629	22,596,109
LYNNFIELD	1,058,931	937,974
MALDEN	10,582,807	12,438,445
MANCHESTER	273,421	348,832
MANSFIELD	1,538,665	1,674,005
MARBLEHEAD	1,005,554	1,199,805
MARION	112,063	210,542
MARLBOROUGH	5,098,988	2,702,189
MARSHFIELD	1,478,839	3,841,416
MASHPEE	243,894	279,747
MATTAPOISETT	210,666	321,123
MAYNARD	1,180,435	1,518,302
MEDFIELD	1,598,969	850,278
MEDFORD	12,063,374	8,735,193
MEDWAY	944,832	1,563,599
MELROSE	4,588,142	4,678,057
MENDON	158,258	66,131
MERRIMAC	49,610	1,127,336
METHUEN	2,289,515	7,559,075
MIDDLEBOROUGH	329,501	5,676,803
MIDDLEFIELD	24,502	25,862
MIDDLETON	430,718	173,020
MILFORD	1,360,665	6,423,330
MILLBURY	567,430	3,423,245
MILLIS	834,406	977,179
MILLVILLE	6,508	139,170
MILTON	2,454,059	1,777,681
MONROE	27,509	9,414
MONSON	140,450	2,267,590
MONTAGUE	112,052	718,740
MONTEREY	85,801	10,016
MONTGOMERY	4,115	40,034

ACTS, 1987. – Chap. 199.

Line Items		
Cities and Towns	0611-5500	7061-0008
MOUNT WASHINGTON	58,249	4,495
NAHANT	333,960	214,636
NANTUCKET	108,454	298,239
NATICK	4,333,955	2,160,877
NEEDHAM	1,609,048	1,828,658
NEW ASHFORD	22,286	8,722
NEW BEDFORD	4,781,036	45,509,390
NEW BRAINTREE	32,572	21,811
NEW MARLBOROUGH	65,187	17,911
NEW SALEM	10,542	26,881
NEWBURY	114,556	547,463
NEWBURYPORT	2,514,581	1,950,711
NEWTON	6,447,339	4,724,357
NORFOLK	206,802	930,266
NORTH ADAMS	656,890	7,069,907
NORTH ANDOVER	1,166,258	1,691,823
NORTH ATTLEBOROUGH	373,793	5,895,788
NORTH BROOKFIELD	25,479	1,603,077
NORTH READING	2,075,803	946,344
NORTHAMPTON	2,853,394	6,329,869
NORTHBOROUGH	881,273	1,273,665
NORTHBRIDGE	155,436	4,362,732
NORTHFIELD	32,786	246,261
NORTON	147,350	4,313,405
NORWELL	1,386,221	908,415
NORWOOD	4,343,436	2,543,555
OAK BLUFFS	66,675	110,044
OAKHAM	22,039	32,494
ORANGE	81,571	2,070,713
ORLEANS	65,350	179,439
OTIS	84,687	68,873
OXFORD	133,670	4,555,143
PALMER	144,049	3,249,799
PAXTON	67,340	537,609

ACTS, 1987. – Chap. 199.

	Line Items	
<u>Cities and Towns</u>	<u>0611-5500</u>	<u>7061-0008</u>
PEABODY	7,206,423	6,900,250
PELHAM	17,000	88,804
PEMBROKE	376,808	2,388,036
PEPPERELL	85,569	293,088
PERU	42,673	70,266
PETERSHAM	26,424	78,854
PHILLIPSTON	54,526	7,647
PITTSFIELD	5,687,648	14,318,160
PLAINFIELD	19,487	11,612
PLAINVILLE	40,605	940,654
PLYMOUTH	1,098,038	2,687,204
PLYMPTON	26,800	218,927
PRINCETON	49,440	378,051
PROVINCETOWN	221,876	171,152
QUINCY	20,807,590	10,695,701
RANDOLPH	3,933,161	5,461,158
RAYNHAM	91,045	1,878,232
READING	2,787,224	2,405,702
REHOBOTH	72,446	1,338,578
REVERE	9,839,887	7,785,348
RICHMOND	62,787	140,990
ROCHESTER	23,673	513,627
ROCKLAND	1,621,518	5,126,871
ROCKPORT	244,991	449,884
ROWE	12,546	23,303
ROWLEY	318,796	382,151
ROYALSTON	60,312	41,408
RUSSELL	9,725	78,366
RUTLAND	31,062	1,245,148
SALEM	5,389,418	5,319,154
SALISBURY	276,811	807,875
SANDISFIELD	37,764	51,293
SANDWICH	711,224	684,418
SAUGUS	3,123,161	2,525,253

ACTS, 1987. – Chap. 199.

	Line Items	
<u>Cities and Towns</u>	<u>0611-5500</u>	<u>7061-0008</u>
SAVOY	69,723	146,947
SCITUATE	1,817,154	2,038,617
SEEKONK	175,226	2,546,997
SHARON	1,084,475	2,162,401
SHEFFIELD	177,198	54,385
SHELBURNE	20,683	254,015
SHERBORN	228,755	197,045
SHIRLEY	602,999	1,396,082
SHREWSBURY	1,560,226	3,113,743
SHUTESBURY	14,880	78,594
SOMERSET	443,582	1,561,341
SOMERVILLE	24,699,529	14,530,479
SOUTH HADLEY	732,893	4,005,495
SOUTHAMPTON	55,471	799,336
SOUTHBOROUGH	431,730	430,386
SOUTHBRIDGE	195,860	6,569,867
SOUTHWICK	98,154	2,124,450
SPENCER	94,715	667,217
SPRINGFIELD	20,629,476	62,913,918
STERLING	59,144	860,869
STOCKBRIDGE	112,167	16,656
STONEHAM	3,583,753	1,736,763
STOUGHTON	1,189,853	6,248,209
STOW	313,068	365,641
STURBRIDGE	98,109	858,167
SUDBURY	1,690,149	858,302
SUNDERLAND	33,064	450,584
SUTTON	80,918	1,453,427
SWAMPSCOTT	1,138,544	920,888
SWANSEA	141,743	3,997,297
TAUNTON	1,453,111	16,964,977
TEMPLETON	140,931	827,317
TEWKSBURY	1,435,368	5,688,999
TISBURY	30,965	181,067

ACTS, 1987. – Chap. 199.

	Line Items	
	<hr/>	
<u>Cities and Towns</u>	<u>0611-5500</u>	<u>7061-0008</u>
TOLLAND	62,255	10,728
TOPSFIELD	652,109	200,654
TOWNSEND	196,346	422,285
TRURO	29,850	92,951
TYNGSBOROUGH	64,448	1,452,596
TYRINGHAM	9,425	18,399
UPTON	63,963	322,387
UXBRIDGE	92,596	2,292,752
WAKEFIELD	3,045,082	2,869,422
WALES	25,127	275,706
WALPOLE	2,206,336	2,151,170
WALTHAM	9,036,178	5,471,784
WARE	213,427	3,140,837
WAREHAM	253,062	4,129,491
WARREN	34,034	965,178
WARWICK	88,182	65,190
WASHINGTON	78,179	52,512
WATERTOWN	7,683,367	1,857,862
WAYLAND	1,073,461	1,026,566
WEBSTER	1,373,693	3,611,361
WELLESLEY	1,401,802	1,530,511
WELLFLEET	15,185	100,243
WENDELL	95,602	36,654
WENHAM	349,170	56,590
WEST BOYLSTON	417,731	923,758
WEST BRIDGEWATER	405,678	1,365,624
WEST BROOKFIELD	32,638	488,907
WEST NEWBURY	83,749	293,564
WEST SPRINGFIELD	1,916,726	4,580,154
WEST STOCKBRIDGE	11,247	89,963
WEST TISBURY	363,256	55,383
WESTBOROUGH	1,315,657	1,047,388
WESTFIELD	1,472,535	10,446,723
WESTFORD	2,132,504	1,432,395

ACTS, 1987. - Chap. 199.

Line Items

<u>Cities and Towns</u>	<u>0611-5500</u>	<u>7061-0008</u>
WESTHAMPTON	5,576	120,242
WESTMINSTER	96,752	315,091
WESTON	315,640	723,803
WESTPORT	346,603	2,477,817
WESTWOOD	628,873	1,035,474
WEYMOUTH	6,618,533	11,647,795
WHATELY	9,913	113,152
WHITMAN	143,920	3,915,608
WILBRAHAM	95,717	2,102,457
WILLIAMSBURG	9,629	421,002
WILLIAMSTOWN	114,135	1,172,838
WILMINGTON	2,806,484	1,540,687
WINCHENDON	126,340	3,294,328
WINCHESTER	1,614,551	1,616,783
WINDSOR	84,502	7,728
WINTHROP	3,988,900	3,017,955
WOBURN	6,654,253	2,505,419
WORCESTER	30,421,274	50,404,566
WORTHINGTON	20,069	24,121
WRENTHAM	322,547	1,127,952
YARMOUTH	426,759	338,179

**SECTION 4.** Notwithstanding the provisions of any general or special law to the contrary, the treasurer shall make four equal payments to cities, towns and regional schools for all local reimbursement or assistance programs reported by the commissioner of revenue pursuant to section twenty-five A of chapter fifty-eight of the General Laws, other than for the state lottery, so called, as distributed according to section seven of this act, and shall make four equal assessments for all assessment programs for which the commissioner of revenue is required to give notice pursuant to said section twenty-five A. Said payments shall be made on September first and December first, nineteen hundred and eighty-seven and March first and June first, nineteen hundred and eighty-eight.

**SECTION 5.** Notwithstanding the provisions of clause Forty-first of section seven of chapter four of the General Laws or any other general or special law to the contrary, the commissioner of revenue or any other official responsible for a local reimbursement or assistance program reported by said commissioner pursuant to section twenty-five A of chapter fifty-eight of the General Laws, including but not limited to the chapter seventy school aid program; regional public libraries; additional aid to public libraries; and lottery, beano, and charity games; and for any assessments for which said



commissioner is required to give notice pursuant to said section twenty-five A, including but not limited to air pollution control districts; the metropolitan area planning council; the old colony planning council; and the Massachusetts Bay Transportation Authority, shall use the nineteen hundred and eighty-four city and town population estimates of the United States bureau of the census in calculating distributions under said local reimbursement or assistance programs and in calculating said assessments.

**SECTION 6.** Notwithstanding the provisions of section eighteen C of chapter fifty-eight of the General Laws, the comptroller shall transfer the balance of the State Lottery Fund, as determined pursuant to clause (c) of section thirty-five of chapter ten of the General Laws, to the Local Aid Fund on September first and December first, nineteen hundred and eighty-seven, and March first and June first, nineteen hundred and eighty-eight.

The fiscal year nineteen hundred and eighty-eight distributions to cities and towns of the balance of the State Lottery Fund, as paid by the treasurer from the Local Aid Fund in accordance with the provisions of said clause (c), shall consist of a "base distribution" and an "incremental adjustment."

The base distribution for each city and town shall equal the distribution to each such city and town in fiscal year nineteen hundred and eighty-seven in accordance with the provisions of said clause (c) of section thirty-five of chapter ten.

The incremental adjustment shall equal the amount by which the total balance under said clause (c) exceeds or is less than the total base distribution. The distribution of said incremental adjustment to each city and town shall be according to the provisions of section eighteen C of chapter fifty-eight of the General Laws.

The treasurer shall pay to cities and towns on September first, nineteen hundred and eighty-seven; December first, nineteen hundred and eighty-seven; and March first, nineteen hundred and eighty-eight an amount equal to one quarter of the base distribution. On June first, nineteen hundred and eighty-eight, the treasurer shall pay an amount equal to one quarter of the base distribution, plus or minus the incremental adjustment.

**SECTION 7.** On June thirtieth, nineteen hundred and eighty-eight, the comptroller shall transfer from the Local Aid Fund to the General Fund seven million dollars to reimburse the General Fund for interest receipts lost because of quarterly payments of cherry sheet local aid.

**SECTION 8.** Notwithstanding any general or special law to the contrary, in order to calculate the total property tax levy limit applicable to any city or town for fiscal year nineteen hundred and eighty-eight, pursuant to section twenty-one C of chapter fifty-nine of the General Laws, the commissioner of revenue shall require the reporting by all cities and towns of any increase in the assessed valuation in a city or town, as described in paragraph (f) of said section twenty-one C.

**SECTION 9.** Notwithstanding any general or special law to the contrary, a city or town which has not reported to the commissioner of revenue tax base growth, as described in paragraph (f) of section twenty-one C of chapter fifty-nine of the General Laws, for one or more fiscal years preceding fiscal year nineteen hundred and eighty-eight, may report said growth to the commissioner in order to have this growth included in a city or town's fiscal year nineteen hundred and eighty-eight maximum levy limit; provided, however, that the city or town must submit any information or documentation required by the commissioner to substantiate said tax base growth no later than September thirtieth, nineteen hundred and eighty-seven.

**SECTION 10.** Notwithstanding the provisions of any general or special law to the contrary, any city or town, with the prior written approval of the commissioner of revenue, 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-eight, 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 the board of assessors in any city or town which seeks to issue estimated tax bills shall provide the commissioner of revenue with all information required by said commissioner to set the tax rate pursuant to section twenty-three of chapter fifty-nine of the General Laws, except the assessed valuation of all real and personal property subject to taxation as of January first, nineteen hundred and eighty-seven, as well as with such other information as may be required for purposes of the aforementioned approval; and provided, further, that in 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-eight, such approval shall not be granted unless the commissioner determines that full and fair valuations shall be established prior to February first, nineteen hundred and eighty-eight for certification under paragraph (c) of section two A of chapter fifty-nine of the General Laws. The assessors of such city or town shall establish the tax rate for fiscal year nineteen hundred and eighty-eight no later than April first, nineteen hundred and eighty-eight. In no event shall the net amount of revenue to be raised by taxation, as submitted to the commissioner pursuant to the approval required under this section, be exceeded. 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-eight 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-eight shall govern such rights and 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-eight established by such city or town.

Notwithstanding the provisions of the first paragraph of this section, a city or town which seeks to issue a notice of estimated tax in lieu of the tax bill for the fiscal year nineteen hundred and eighty-eight 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-seven, to the extent that such excess represents one-half of the amount of the tax accruing as a result of the loss of exemption from tax that had been granted in the preceding fiscal year.

**SECTION 11.** 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 12.** 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 of this act unless the following requirements are met: Each state agency or office of the judiciary receiving an appropriation in said 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-eight on or before August fifteenth, nineteen hundred and eighty-seven.

No person shall be hired by a state agency or office of the judiciary 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 person 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-eight.

The commissioner of administration shall file the most recently approved amended schedules of positions no later than September fifteenth, nineteen hundred and eighty-seven 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-seven and shall contain no other list of new positions or amendments. All such permanent and temporary positions shall be allocated 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 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 or an office of the judiciary 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 section two 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 or office of the judiciary 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 and offices of the judiciary 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 allowable 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, the supreme judicial court, and the judicial conduct commission.

**SECTION 13.** In addition to the requirements of section twenty-nine A of chapter twenty-nine of the General Laws, as amended, any state agency which contracts for consultant services from the "03" subsidiary account, shall include in the written contract for said services the name of the agency or office, the person or firm so engaged, the manner in which the services are to be rendered, including the tools, implements and 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. A signed statement by the secretary of the agency that the services being contracted can't be performed by any existing employees of the secretariat and that the contracted individual will not be directing any state employees. 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.

No private vendor contracting with the commonwealth to provide services shall use state funds paid specifically for such services pursuant to any such contract to persuade staff or members of the general court for additional appropriations for the agency said consultant is employed with.

Notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws or the provisions of any rules or regulations established pursuant to said section twenty-nine A, no state agency, department, office, board, commission or institution shall, prior to the approval of a plan for such conversion by the house and senate committees on ways and means, convert any consultant contract funded under an "03" or "07" subsidiary account to a permanent or temporary state position.

The commissioner of administration shall file a report listing all persons performing consultant services for the commonwealth, under the so called "03" accounts, with the clerk of the house and the clerk of the senate on or before

February first of each year, for the current fiscal year. Said report shall include the name and address of each "03" consultant, a clear description of the services they have been contracted for, the total amount to be paid for such services, the length of time that such services are to be rendered, and which agency and department for which the service is provided. Such report shall be in plain language, not requiring the use of any special codes, computers, machines or other aids to read and understand.

**SECTION 14.** 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 September first, nineteen hundred and eighty-seven a report detailing the total number of such employees or consultants so compensated during fiscal year nineteen hundred and eighty-seven through the "01", "02", and "03" subsidiary accounts, respectively, and detailing the total dollar amounts so expended during fiscal year nineteen hundred and eighty-seven 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; the commissioner of 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 15.** Object code 111 under the subsidiary account designated "02", "Salaries Other" in the schedule of subsidiary accounts authorized by section twenty-seven of chapter twenty-nine of the General Laws and contained in the expenditure code manual, is hereby transferred to subsidiary "01" of said schedule. Subsidiary "01" of said schedule is hereby renamed, "salaries, permanent and temporary positions" and subsidiary "02" of said schedule is hereby renamed, "compensation: other".

**SECTION 16.** Notwithstanding the provisions of section twenty-nine of chapter twenty-nine of the General Laws, any interchange of funds between subsidiary accounts other than an interchange between the subsidiary accounts entitled "01 salaries, permanent and temporary positions" and "02 compensation: other," within the same appropriation account which decreases said subsidiary accounts entitled "01 salaries, permanent and temporary positions" and "02 compensation: other," shall preclude during the fiscal year in which said interchange is made, any transfers to increase or restore said subsidiary accounts from any reserves, so-called, existing at the time of said interchange unless said transfers are made to meet retroactive prior year payments authorized by said reserve accounts.

**SECTION 17.** During fiscal year nineteen hundred and eighty-eight, notwithstanding the provisions of any general or special law to the contrary, payments for fiscal year nineteen hundred and eighty-seven 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 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, and costs as determined by certain arbitration awards issued pursuant to section eight of chapter one

ACTS, 1987. - Chap. 199.

hundred and fifty E of the General Laws as amended, may, at the discretion of the secretary of administration and finance, be charged to items of appropriation for fiscal years nineteen hundred and eighty-seven and nineteen hundred and eighty-eight.

**SECTION 18.** Notwithstanding the provisions of section forty-one of chapter fifteen of the General Laws or of any other general or special law to the contrary, all positions in the council on the arts and humanities, but not including the members of said council, 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, or at a rate equal to the prevailing rate payable for state employees in comparable positions pursuant to collective bargaining agreements for which appropriation has been made by the legislature as determined by the personnel administrator; provided, however, that if the incumbent of any such position is receiving a salary on June thirtieth, nineteen hundred and eighty-seven pursuant to a schedule of salaries previously approved by the house and senate committees on ways and means which is greater than the salary provided pursuant to said section forty-six C or said prevailing collective bargaining rate, as applicable, the said incumbent shall receive a salary under said section or pursuant to said prevailing rate which is nearest to the rate so approved, but at least equal to such approved rate. If any such incumbent vacates his position for any reason, his successor shall be paid a salary in accordance with said section forty-six C or said prevailing rate, as applicable. When any such incumbent is initially placed in a step-in-range in one of the job groups in the salary schedule provided in said section forty-six C, such incumbent shall be placed in the step-in-range which corresponds to his time in service in the office or position which he held on June thirtieth, nineteen hundred and eighty-seven. For the purposes of determining the rate to be paid any such incumbent whose salary is to be determined in accordance with said prevailing rate, he shall be paid in accordance with the prevailing rate payable to a state employee in a comparable title with time of service equal to such incumbent's time of service in the office or position which he held on said June thirtieth, nineteen hundred and eighty-seven.

**SECTION 19.** The budget submitted by the governor to the general court pursuant to section seven H of chapter twenty-nine of the General Laws may be amended by the governor; provided, however, that all such amendments shall be filed with both the clerk of the house of representatives and with the clerk of the senate.

**SECTION 20.** Notwithstanding the provisions of sections six and seven H of chapter twenty-nine of the General Laws, for all departments, divisions, agencies, offices or any subdivisions or instrumentalities thereof whose expenditures are affected by the cost increment factors developed by the rate setting commission, the budget for fiscal year nineteen hundred and eighty-nine submitted by the governor to the general court pursuant to said section seven H shall either include recommendations for said departments, divisions, agencies, offices and their subdivisions and instrumentalities consistent with and reflective of the cost increment factors developed by the rate setting commission for fiscal year nineteen hundred and eighty-nine for social and rehabilitative services or include in said budget an explanation as to why said recommendations are inconsistent with and do not reflect the nineteen hundred and eighty-nine cost increment factors.

**SECTION 21.** Single subsidiary accounts of "00 Subsidiary Expenditures" shall apply to the legislature, the office of the governor, the office of the lieutenant governor, the supreme judicial court, the appeals court, the Lawrence Experimental Station, Rutland heights hospital, western Massachusetts hospital and item 2000-0100 of section two of this act.

Except as otherwise provided in section twelve 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 22.** 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 at the state house in accordance with the schedule contained in section nine B of chapter three of the General Laws.

**SECTION 23.** 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 items 4110-2040, 4120-0012, 4120-0071, 4125-0100, 4200-0021, 4311-0003, 4311-0004, 4349-0001, 4349-0008, 4380-0001, 4406-3000, 4512-0103, 4512-2000, 4512-0500, 4800-0020, 4800-0200, 4800-0023, 4800-0060, 4800-0028, 5011-0006, 5046-0000, 5047-0000, 5049-0000, 5095-0000, 5911-0006, 5947-0000, 5948-0000 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 24.** Notwithstanding the provisions of section thirteen of chapter twenty-nine of the General Laws, only that portion of an appropriation for ordinary maintenance representing obligations incurred during the fiscal year which are outstanding at the close of the fiscal year and which are encumbered on the records of the comptroller's bureau at the close of the fiscal year may be applied to the payment thereof in the four months immediately succeeding such fiscal year; provided, however, that the budget director at the written request of a spending agency may, prior to the close of said four months, extend for an additional two months the outstanding obligations, the corresponding recorded encumbrance *outstanding and the funds reserved therefor*, by furnishing the comptroller with a copy of such request and the approval thereof.

**SECTION 25.** 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 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 26.** Notwithstanding the provisions of any general or special law to the contrary, and except as otherwise

**ACTS, 1987. – Chap. 199.**

provided herein, the shellfish classification program within the department of environmental quality engineering, and all duties, responsibilities, and powers of said program shall be transferred to the department of fisheries, wildlife and environmental law enforcement, division of marine fisheries, bureau of shellfish management effective January first, nineteen hundred and eighty-eight. The secretary of environmental affairs shall oversee and be responsible for said transfer.

All employees currently employed by this program by the department of environmental quality engineering who may elect to assume comparable positions within the division of marine fisheries shall retain their positions without impairment of civil service status, seniority, retirement or any other employee rights, without interruption of service, and without reduction in compensation and salary grade, notwithstanding any change in titles or duties.

All books, papers, records and documents in the custody of the program immediately prior to said effective date, as well as all property, field and laboratory equipment used solely for the purposes of this program shall thereafter be placed within the custody of the department of fisheries, wildlife and environmental law enforcement.

All rules and regulations promulgated by or otherwise relating to the shellfish program in effect immediately prior to said effective date shall remain in full force and effect, to the extent not inconsistent with this section, until changed or repealed by an appropriate body.

All petitions, hearings, or other proceedings, duly pending against the shellfish program, and all prosecutions, legal or other proceedings, duly commenced by or against the shellfish program prior to the effective date, shall be turned over and may be completed by the department of fisheries, wildlife and environmental law enforcement.

Notwithstanding any general or special law to the contrary, and except as provided herein, the department of public health shall join with the division of marine fisheries to create a joint post-harvest shellfish licensing program. Each agency shall have the authority to issue and regulate post-harvest shellfish licenses and revoke said licenses for violations of post-harvest shellfish regulations.

**SECTION 27.** The commissioner of administration and finance, with the participation of the secretary of energy resources and the commissioner of the department of public utilities, shall conduct a review and study of the relationship between the department of public utilities and the energy facilities siting council. Said review and study shall be conducted with the purpose of promoting economy and efficiency, and avoiding duplicative labor and expenses in said agencies. Said commissioner shall compile information on said agencies and file a written report with the house and senate committees on ways and means on or before December thirty-first, nineteen hundred and eighty-seven.

**SECTION 28.** The commissioner of administration shall conduct a review and study of the feasibility of transferring the unemployment contributions collection unit from the division of employment security to the department of revenue. Said unit collects the unemployment contributions from delinquent employers and said study is to determine whether said unit should more properly be located within the department of revenue. Said review and study shall be conducted with the purpose of promoting economy and efficiency, and avoiding useless or duplicative labor and expenses in said agencies. Said commissioner shall compile information pertaining to the proposed transfer and file a written report with the house and senate committees on ways and means on or before December thirty-first, nineteen hundred and eighty-seven.

**SECTION 29.** Notwithstanding the provisions of any general or special law to the contrary, the retirement law commission established under sections one hundred and two to one hundred and four, inclusive, of chapter six of the General Laws is hereby transferred to the office of the state treasurer but not subject to its control. Said retirement law



commission shall have seven members, consisting of the executive secretary of the state board of retirement, the executive secretary of the teachers' retirement board, and five members appointed by the governor. The members shall serve without compensation but shall receive their necessary expenses incurred in the discharge of their official duties. The chairman of said commission shall be designated from time to time by the governor. Upon the expiration of the term of an appointive member, his successor shall be appointed in the manner aforesaid for a term of five years.

The retirement law commission shall conduct ongoing actuarial valuations of the various retirement systems and shall conduct continuing studies of the operation of all provisions of law relative to retirement allowances, pensions or annuities; the administration of pensions by state, county, city and town agencies; and shall study the potential cost of provisions of existing law and of all proposed changes. Said commission shall review any reports, valuations, investigations, or studies performed by or at the direction of the commissioner of administration or by the actuary of the division of public employee retirement administration pursuant to the provisions of subdivision (3) of section twenty-one of chapter thirty-two and any schedules established pursuant to paragraph (b) of subdivision (6A) of section twenty-two of said chapter thirty-two or pursuant to paragraph (d) of subdivision (8) of said section twenty-two; provided, however, that said commission shall file with the clerks of the house and senate and with the governor its analysis of such schedules, reports, valuations, investigations or studies, and the conclusions thereof, together with the commission's recommendations, if any, for modification of the assumptions or methodologies employed therein.

Said commission shall report annually to the governor and to the general court its activities and accomplishments, and such recommended legislation as may be necessary to effect desirable changes in the retirement law and to promote a more efficient administration. It may prepare and publish reports for the information of employees concerning benefits available and procedures to be followed, and reports to the public to promote more adequate understanding of the retirement policies and problems of the commonwealth.

Said commission may appoint an executive secretary who shall not be subject to chapter thirty-one of the General Laws and who shall receive such salary as the commission, with the approval of the governor, may fix. The commission may appoint such other assistants, consultants, investigators and experts as it deems necessary to carry out the provisions of this section. Said commission shall be provided with adequate offices in the state house or elsewhere in the city of Boston. It may call upon any department, board, commission or officer of the commonwealth or of any subdivision of the commonwealth for such information as it may desire in the course of its duties. It may hold public hearings and shall have the power to summon witnesses and to require the production of books, records and papers.

All employees of the commission transferred under this section shall retain their positions without impairment of civil service status, if any, 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; provided, however, that nothing in this section shall be construed to confer upon any officer or employee any rights not held immediately prior to said transfer, or to prohibit any reduction of salary or grade, transfer, reassignment, suspension, discharge, layoff, or abolition of position not prohibited heretofore.

All books, papers, records, documents, and property in the custody of the commission as of said transfer shall thereafter be retained by the commission, and all contracts and other agreements in effect as of said transfer shall remain in effect and be completed according to their terms.

**SECTION 30.** Notwithstanding the provisions of any general or special 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,

**ACTS, 1987. – Chap. 199.**

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 31.** No monies shall be paid from item 0330-2200 of section two of this act to a city, town or county for rental of court facilities until a schedule attested to by the appropriate public official and detailing the costs of maintenance, repairs and debt service on the rented court facilities has 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 said item shall maintain such funds 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.

Each city, town or county receiving monies from item 0330-2200 of said section two shall submit (1) a long-term capital improvement plan for said rented facilities identifying those major items and structural systems in need of repair or refurbishing and (2) a report detailing the purposes and amounts of all expenditures made from monies appropriated under item 0330-2200 in section two of chapter two hundred and six of the acts of nineteen hundred and eighty-six to the chief administrative justice of the trial court, the house and senate committees on ways and means and the division of capital planning and operations on or before November first, nineteen hundred and eighty-seven.

**SECTION 32.** Each office of the district attorney for each district in the commonwealth, as set forth in section thirteen of chapter twelve of the General Laws, shall submit to the house and senate committees on ways and means no later than October first, nineteen hundred and eighty-seven, a report on the amount of funds received by the office from forfeiture proceedings. Said report shall include the total amount of forfeiture monies received in fiscal year nineteen hundred and eighty-seven, an itemized accounting of said funds by case, court, docket number and amount, as well as the purposes and amounts of all expenditures made from said funds.

**SECTION 33.** 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 however, 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-seven 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-eight.

Notwithstanding any general or special law to the contrary, any state agency or office that is authorized in any section of this act or in chapter three hundred and seventy-five of the acts of nineteen hundred and eighty-one, section seventeen of chapter twenty-five of the General Laws, or section forty-seven of chapter ninety-four C, to expend certain revenues without further appropriation, shall prepare within thirty days after the end of each quarter a report detailing the sources

ACTS, 1987. - Chap. 199.

and amounts of all such revenues and the purposes and amounts of all such 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.

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 fifty 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 - Department of Personnel Administration

The department of personnel administration may expend revenues in an amount not to exceed three hundred and fifty 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.

A & F - Department of Personnel Administration

The department of personnel administration may expend an amount not to exceed nine hundred thousand dollars from fees charged, to participants enrolled in programs sponsored by the or to state agencies employing said participants, for the department, costs of goods and services rendered in administering said programs.

ACTS, 1987. - Chap. 199.

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 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.

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-seven.

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 - Department of Fisheries, Wildlife and  
Environmental Law Enforcement - Shellfish

The department of fisheries, wildlife and environmental law enforcement may expend an amount not to exceed seventy-five thousand dollars of revenues accrued from fees charged for the purification of moderately contaminated shellfish at the Newburyport Shellfish Purification Plant, subject to the approval of the secretary of environmental affairs, for the costs of operating and maintaining said shellfish purification plant, including the purchase of supplies, materials and equipment incidental thereto; and, provided, further, that no revenues received by said department from the sale of permits, licenses, stamps and tags under other programs administered by said department shall be used for 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.

EOEA – Data Processing Services

The secretary of environmental affairs may expend an amount not exceeding two hundred thousand dollars accrued from the rendering of data processing services to those state agencies within the executive office of environmental affairs; provided, 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.

EOEA – Food and Agriculture

From revenues 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, section four of chapter five hundred and fifty-eight of the acts of nineteen hundred and eighty-one and section ten of chapter five hundred and eighty of the acts of nineteen hundred and eighty-five. The department may expend an amount not to exceed nine hundred thousand dollars for payment of certain prizes and certain promotional expenses 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, as amended and furthermore, the department may expend an amount not to exceed two hundred thousand dollars for equine research, scholarships and loans at the Tufts University School of Veterinary Medicine in accordance with the provisions of section fourteen of chapter four hundred and ninety-four of the acts of nineteen hundred and seventy-eight as amended, by section four of chapter five hundred and fifty-eight of the acts of nineteen hundred and eighty-one, and section ten of chapter five hundred and eighty of the acts of nineteen hundred and eighty-five.

From revenues accruing to the Massachusetts standardbred agriculture fair and breeding fund committee under the provisions of section fourteen of chapter four hundred and ninety-four of the acts of nineteen hundred and seventy-eight, section four of chapter five hundred and fifty-eight of the acts of nineteen hundred and eighty-one, and section ten of chapter five hundred and eighty, of the acts of nineteen hundred and eighty-five, the department may expend four hundred thousand dollars for payment of certain prizes to promote the standardbred horses in the commonwealth, in accordance with the provisions of section two of chapter one hundred and twenty-eight of the General Laws.

From revenues accruing to the Massachusetts Greyhound Breeding Program under the provisions of section nine of chapter two hundred and seventy-seven of the acts of nineteen hundred and eighty-six, the department may expend three hundred thousand dollars for payment of certain prizes to promote the greyhound breeding program in accordance with the provisions of section two of chapter one hundred and twenty-eight of the General Laws.

**ACTS, 1987. – Chap. 199.**

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.

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 – Office of the Secretary

The executive office of human services may expend for patient care all revenues received from receivership settlements of any facility or organization serving clients of any human services agency; provided however, that no funds received from such receivership settlements may be used for administrative or personnel costs within the executive office of human services; provided, further, that funds received from receivership settlements may only be expended subsequent to the approval of the secretary of the executive office of human services. The secretary of the executive office of human services shall submit quarterly reports to the house and senate committees on ways and means which shall include, but not be limited to, a listing of facilities in receivership, the amounts expended for such facilities in receivership and the amount of revenue received for receivership settlement.

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 per cent 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-eight, the comptroller shall transfer to the revenue retention account an amount equal to three per cent 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 per cent 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-eight, the comptroller shall transfer to the revenue retention account an amount equal to three per cent 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 six million dollars accrued through its program of selling correctional industries products and services and an amount not to exceed three 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 - AFDC

The department of public welfare may expend an amount not to exceed sixty-eight 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.

**ACTS, 1987. – Chap. 199.**

**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 from 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 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 following hospitals within the department of public health may expend an amount not to exceed eight million dollars at each hospital from revenues collected from third party reimbursements; including reimbursements from the commonwealth's medical assistance program, or from individuals, on account of charges for services for patient care, subject to the approval of the commissioner of public health, provided that only revenues collected in excess of the following amounts may be so retained:

Hospital	Retained Revenue Floor
Rutland Heights	\$2,483,797
Western Massachusetts Hospital	\$2,497,967

Any remaining balances generated from revenues at the end of fiscal year nineteen hundred and eighty-eight shall not revert to the General Fund, but shall be available to said hospitals for expenditure without further appropriation during fiscal year nineteen hundred and eighty-nine. Revenues collected by Rutland heights and western Massachusetts hospitals can be used for all hospital related costs including "01" and "02" personnel costs, capital expenditures and motor vehicle replacement. Notwithstanding any general or special law to the contrary, Rutland heights and western Massachusetts hospitals will be eligible to receive the state and federal share of reimbursements from the medical assistance program of the department of public welfare and the commission for the blind.

Notwithstanding any general or special law to the contrary, the commissioner of public health may without further appropriation expend in support of the public health hospitals, other than Rutland heights hospital and western Massachusetts hospital, revenues collected by said hospitals from third party reimbursements or from individuals, on account



of charges for services for patient care, to the extent that such revenues from said hospitals exceed thirty-four million, seven hundred and thirty-seven thousand, two hundred and twenty-seven dollars, and to the extent that such revenues from said hospitals do not exceed the lesser of one hundred million dollars or one hundred and three per cent of the revenues collected by said hospitals from third party reimbursements or from individuals on account of charges for services for patient care in fiscal year nineteen hundred and eighty-seven, as certified by the comptroller. Any remaining balances generated from revenues at the end of fiscal year nineteen hundred and eighty-eight shall not revert to the General Fund, but shall be available to said hospitals for expenditure without further appropriation during fiscal year nineteen hundred and eighty-nine.

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, however, that not more than one million nine hundred thousand dollars may be allocated to and expended during fiscal year nineteen hundred and eighty-eight through item 4800-0010 of section two of this act, provided, that such revenues may be expended for the compensation of employees; 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-eight for the purposes of offsetting the costs of substitute care within regional direct service appropriations appearing in item 4800-0200 of said section two and within the social services block grant appearing in item 4800-0045 of section two A.

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 Social Services – Title IV-E  
Reimbursement Sliding Fee Revenues

The commissioner of the department of social services may expend revenues collected pursuant to Title IV-E of the Social Security Act, and from the establishment of a sliding fee scale for services, in an amount not exceeding six million dollars, for the provision of direct social services.

EOHS – Department of Youth Services

The commissioner of the department of youth services may expend twenty per cent 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 of recreational facilities.

ACTS, 1987. – Chap. 199.

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 per cent of the revenues generated from the collection of charges for services from third party reimbursements and individuals in an amount not to exceed two million 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 years' 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.

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-eight with the commissioner of administration and the house and senate committees on ways and means the amount 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.

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.

Teachers' Retirement Board

The teachers' retirement board may expend an amount not to exceed thirty-five thousand dollars accrued from grants and gifts received by the retirement board for the costs of goods and services rendered in administering pre-retirement planning programs.

**SECTION 34.** 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-seven 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-eight.

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 35.** 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 Office 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-eight 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 36.** 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-eight. 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 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 37.** The commissioner of the department of public health may expend an amount not exceeding five hundred

**ACTS, 1987. - Chap. 199.**

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 expenditures for said program shall be subject to the approval of said commissioner. Said commissioner shall, no later than January first, nineteen hundred and eighty-eight, file a report with the house and senate committees on ways and means detailing the services performed under said program, the number of individuals receiving services, and the planned and actual expenditures for said program.

**SECTION 38.** Notwithstanding any general or special law to the contrary, no agency of the executive branch shall pay to a private vendor funds in excess of one thousand dollars for the cost of outside printing, photocopying, graphic art or design work, without the prior approval of the print review board within the purchasing agent's division of the executive office for administration and finance. 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 administrative services; provided, however, that the proceeds received from such charges not exceeding two hundred and fifty thousand dollars in fiscal year nineteen hundred and eighty-eight 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-eight 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 39.** Notwithstanding the provisions of any general or special law to the contrary, the commissioner of administration is authorized and directed to charge agencies, other than the legislature, for the cost of computer resources and services provided by the bureau of computer ser- propose amendments to the bureau's rate structure to the commissioner of administration. The bureau shall issue an invoice by the fifteenth day of each month to each user agency, itemizing the agency's use of bureau resources, and the cost for those resources, for the preceding month. Invoices shall include resources consumed by agencies to access all statewide systems operated by the bureau including the personnel/payroll management information system, also known as "PMIS", and the Massachusetts management accounting and reporting system, also known as "MMARS". The commissioner of administration shall establish procedures to adjust charges incurred by first time users of statewide systems including additional credit adjustments during implementation and annualization of these credit adjustments in the succeeding fiscal year.

The bureau shall determine in July, nineteen hundred and eighty-seven, and annually thereafter, the amount of all direct and indirect expenditures relating to the activities of the bureau and the operation of the bureau's data center for the prior year, and the portion of such amount reasonably allocable to each agency of the commonwealth that used the bureau's services or facility during the prior fiscal year. The bureau shall allocate one-twelfth of each agency's portion to the agency monthly and vices; provided, however, that the proceeds received from such charges during fiscal year nineteen hundred and eighty-eight, not exceeding one million five hundred thousand dollars, shall be credited to a revenue account to be established by the comptroller, and shall be available for expenditure by the director of the office of management information systems without further appropriation. Said expenditures shall be used solely for the purchase or lease of data processing and data communications goods and services for the bureau of computer services data center and data

communications network. The comptroller may certify for payment such expenditures. Any charges in excess of one million five hundred thousand dollars shall be credited to the General Fund.

The cost of each computer resource or service shall be determined by a rate structure which shall be established by the commissioner of administration on or before August first, nineteen hundred and eighty-seven. Resources shall include, but not be limited to, computer work units, on-line storage, tape or cassette storage, tape or cassette mounts, printers, bursting, decollating and inserting services, data-communications devices and data entry and records management services. The office of management information systems shall create a user group consisting of a representative sample of the bureau's user agencies, which shall show the allocation as a credit on the agency's monthly invoices. The comptroller shall charge the difference between the monthly charge and the monthly credit to the agency's appropriation accounts in each case in which an agency's monthly charge exceeds the agency's monthly credit. Should the monthly credit exceed the monthly charge, the bureau shall apply the difference, first against any charges previously applied to the agency's appropriation, then as a credit on the next month's invoice, provided that no credits shall be carried forward past the end of the fiscal year. The bureau shall submit a report to the house and senate committees on ways and means by the end of each month summarizing each agency's charges for the preceding month and for the fiscal year to date, each agency's monthly credits, the credits carried forward for each agency from previous months, the difference between the charges and the sum of the credits, and the rate structure upon which the charges were based. The report shall also show the balance in the bureau's revenue account at the beginning of the month, the amount of funds deposited to the account during the month, the amount of funds expended from the account during the month, a listing of the goods or services obtained by those expenditures, and the balance at the end of the month.

The commissioner of administration is authorized to establish regulations and procedures to further implement this section including, but not limited to, the development and distribution of forms and instructions to be included as part of the agency's submission to the budget director under section three of chapter twenty-nine of the General Laws for the fiscal year nineteen hundred and eighty-nine budget cycle; provided, however, that all regulations, procedures and amendments thereto shall be filed with the house and senate committees on ways and means prior to implementation.

**SECTION 40.** Notwithstanding the provisions of 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 executive office for administration and finance; 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-eight 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 41.** 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-eight 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

ACTS, 1987. - Chap. 199.

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 42.** 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, 2330-0900, 2330-0100, 2330-0310, 2350-0100, 2440-0032, 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 43.** Notwithstanding the provisions of any general or special law to the contrary, the motor vehicle management bureau is hereby authorized to 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 for the repair and replacement of motor vehicles. Said revenues shall be available for expenditure, without further appropriation, until June thirtieth, nineteen hundred and eighty-eight. 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.

**SECTION 44.** 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-eight 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 six hundred and fifty thousand dollars in addition to any amount heretofore provided for the purpose.

**SECTION 45.** The commissioner of public safety is hereby authorized to charge the various offices of the district attorneys of the commonwealth for overtime payments made to state police officers assigned by the commissioner to duty with said district attorneys and paid pursuant to item 8312-0100 of section two of this act. The proceeds received from such charges shall be credited to said item 8312-0100 and made available for expenditure. The district attorneys of the commonwealth shall designate the account to be charged; provided, however, that accounts established pursuant to section forty-seven of chapter ninety-four C of the General Laws may be charged an amount not to exceed twenty-five per cent of the revenue received in such accounts in the previous fiscal year, any provisions of said section forty-seven to the contrary notwithstanding.

**SECTION 46.** The commissioner of administration shall annually on or before February first submit to the house and senate committees on ways and means the following information for each state authority whether or not it receives a periodic appropriation from the commonwealth: (1) a statement of authorized, unissued, and outstanding bonds and notes of the authority as of the end of the preceding state fiscal year; (2) an estimate of the amounts of said bonds and notes to be

authorized, unissued and outstanding at the end of the current state fiscal year; (3) an estimate of the amount of said bonds and notes, including the amounts to be sold, retired, or refinanced, at the end of the subsequent state fiscal year; and (4) a summary, by sources, of revenues to finance said bonds and notes including any dedicated funding or any other financial assistance from the commonwealth, such as guarantees, contract assistance, or other such assistance. Notwithstanding any general or special law to the contrary, every chief executive officer of any state authority is hereby authorized and directed to provide the necessary information to the commissioner of administration to ensure his timely compliance with the provisions of this section.

**SECTION 47.** Notwithstanding the provisions of any general or special law to the contrary, there is hereby established within the executive office for administration and finance an office of human resource administration, headed by an undersecretary for human resource administration who shall be appointed by the governor for a term of four years. The undersecretary shall serve as the chief personnel officer for the commonwealth, and shall coordinate and direct the functioning of the departments, commissions, offices, boards, divisions, institutions and other agencies under the supervision and control of the office of human resource administration.

The following agencies are hereby declared to be within and under the supervision and control of the office of human resource administration: the department of personnel administration, the office for employee relations, the division of public employee retirement administration, the group insurance commission, the county personnel board, and the municipal personnel advisory board. The following agencies are hereby declared to be within the office of human resource administration but not under its supervision or control: the civil service commission, the contributory retirement appeals board, the state office of affirmative action, and the state teachers' retirement board.

The undersecretary shall establish and implement policies and guidelines for the consistent administration of the personnel laws and regulations, and bargaining agreements entered into by the commonwealth pursuant to the provisions of chapter one hundred and fifty E of the General Laws. In establishing and implementing said policies and guidelines, the undersecretary shall have, without limitation, the following powers and duties:

(i) the preparation of the annual budget recommendations to the commissioner of administration for each of the departments, commissions, offices, boards, divisions, institutions and other agencies within the office of human resource administration;

(ii) the prior review of all rules and regulations of and collective bargaining agreements and memoranda of understanding entered into by any of said departments, commissions, offices, boards, divisions, institutions and other agencies;

(iii) the prior review of any contract, agreement or other financial arrangement having a value of five thousand dollars or more entered into by any of said departments, commissions, offices, boards, divisions, institutions, and other agencies;

(iv) the periodic audit of any decision or determination of any such department, commission, office, board, division, institution or agency other than the civil service commission regarding the reassignment, reallocation, reclassification, transfer, termination, promotion, demotion, recall, layoff, suspension, or payment of any personnel, and of any decision or determination of any such department, commission, office, board, division, institution or other agency other than the contributory retirement appeals board regarding the payment or refusal to pay or otherwise allow any benefit for or on behalf of any personnel;

(v) the approval of any contract for services payable from the subsidiary account coded "03" in the expenditure code manual which has been approved by any secretary having charge of an executive office established under chapters six A and

ACTS, 1987. - Chap. 199.

seven of the General Laws; provided, that no such contract shall be filed with the comptroller and no payment shall be allowed thereunder unless it has first been approved by the undersecretary;

(vi) preparing or causing to be prepared a report of the number of employees, including employees of the system of higher education and of the judiciary, receiving compensation under the subsidiary accounts coded "01" and "02" in the expenditure code manual, including the name, salary, position, civil service status, if any, agency, and appointment date of each such employee; provided, that the undersecretary shall file such reports on a quarterly basis with the house and senate committees on ways and means and with the house and senate committees on post audit and oversight and with the joint committee on public service;

(vii) preparing of the reports required of the commissioner of administration under section twenty-nine A of chapter twenty-nine of the General Laws;

(viii) creating, in consultation with the office for management information systems, a single personnel information system for all employees of the commonwealth including employees of the system of higher education and the judiciary, retired employees of the commonwealth, and the beneficiaries of such retirees; provided, that such system shall include, to the extent practicable, all information pertinent to the appointment, compensation, retirement benefits, health and other insurance benefits of any such employee, retired employee, or beneficiary, as applicable;

(ix) creating, in consultation with the office of management information systems, a single personnel information management system for members of the teachers' retirement system and the beneficiaries of such members, and for city, town, county, and district employees eligible for coverage through the group insurance commission; provided that, to the extent practicable, said system shall be compatible with the system required pursuant to the preceding clause;

(x) the compilation and publication of all decisions and opinions of the civil service commission and the contributory retirement appeals board;

(xi) ensuring the dissemination by the board of the teachers' retirement system and the board of the state employees' retirement system to the members and beneficiaries of members thereof of information concerning the actuarial status of the state employees' retirement system or teachers' retirement system, as applicable, and of the members' or beneficiaries' rights and obligations under the provisions of chapter thirty-two of the General Laws;

(xii) ensuring the maintenance by the board of the teachers' retirement system and the board of the state employees' retirement system of programs of pre-retirement counseling services for the members thereof;

(xiii) ensuring the dissemination by the personnel administrator to all persons subject to the provisions of chapter thirty-one of the General Laws of their rights and obligations thereunder;

(xiv) producing or causing to be produced periodic reports of the efficiency of the state workforce, including quarterly reports on the rates of absenteeism, overtime, clients served or work-products completed, the number of employees hired, the value of contracts for service entered into, and the number of employees leaving state service, displayed by agency and by secretariat; provided, that said reports shall include the undersecretary's recommendations for the consolidation, where appropriate, of services provided by more than one agency, recommendations for the reduction of overtime and absenteeism, and for other improvements in the state's personnel practices; provided further, that copies of said reports shall be filed with the house and senate committees on ways and means and with the joint committee on public service and with the house and senate committees on post audit and oversight;

(xv) preparing recommendations for the revision of the laws and regulations governing the commonwealth's personnel practices, for the reorganization of the agencies within the office of human resource administration and such other agencies as the undersecretary shall deem appropriate, and for the improvement of the the administration of the commonwealth's



personnel systems; provided, that the undersecretary shall report said recommendations by filing a report with the clerks of the house and senate not later than five months after the effective date of this act, and annually thereafter;

(xvi) ensuring the compliance by all agencies within an executive office established under chapters six A and seven of the General Laws with, without limitation, all applicable provisions of chapter thirty-one of the General Laws, with the provisions of Executive Order 227, with the provisions of section twenty-nine A of chapter twenty-nine of the General Laws, and with the provisions of sections forty-five to forty-nine, inclusive, of chapter thirty of the General Laws; provided, however, that if the undersecretary determines that any appointing authority in any such agency has failed to comply with the provisions of any of said laws or said order, he may, in addition to such other penalties as may be authorized thereunder, impose a "hiring-freeze", so-called, until such appointing authority shall establish, to the satisfaction of the undersecretary, that he is no longer in non-compliance.

(xvii) coordinating programs for the training and professional development of personnel of the commonwealth; provided, that the undersecretary shall seek to obtain the voluntary assistance of the private sector in establishing, organizing, and maintaining said programs;

(xviii) encouraging the decentralization and delegation of personnel functions and responsibilities to the various secretariats and agencies to the extent consistent with all applicable laws and basic merit principles and the maintenance of an accountable and efficient operation of state government.

For the purposes of this section, "absenteeism" shall include sick leave, and unauthorized absence, but shall not be deemed to include any long-term disability leave, parenting or maternity leave, or leave pursuant to the provisions of chapter one hundred and fifty-two of the General Laws.

The undersecretary may request and shall receive from any department, commission, office, board, division, institution or other agency of the commonwealth such information as he shall reasonably require in the performance of his duties under this section. Subject to appropriation, he may appoint two deputies, research assistants, and legal, clerical, and other assistants as may be necessary to carry out his duties hereunder, and may request and shall receive the assistance of any personnel within any agency within and subject to the supervision and control of the office of human resource administration.

**SECTION 48.** The undersecretary for human resource administration shall conduct a review and study of the rates of overtime and use of sick days for all state departments, agencies, boards and offices. Said study shall assess the cost to the commonwealth of the use of overtime and sick days by employees of said departments, agencies, boards and offices and for each such department, agency, board and office, said study shall: (1) address whether there are any relationships between average sick leave usage per employee and average overtime usage per employee; (2) consider whether additional full-time employees might reduce overtime costs and whether an increase in full-time employees is a cost effective solution to excessive overtime costs; (3) determine whether there are any instances where employees collect overtime pay in one week while taking sick days in a following week to replace the extra time worked; and (4) determine whether there are instances where employees at home, on call might be a less expensive, feasible alternative to regular overtime work.

Said undersecretary shall file a report detailing the results of said study with the house and senate committees on ways and means no later than February first, nineteen hundred and eighty-eight.

**SECTION 49.** The state comptroller is hereby authorized and directed to promulgate regulations concerning the payment of settlements and judgments. Said regulations shall not affect the authority of the attorney general to require written approval of settlements. Said regulations shall be filed with the house and senate committees on ways and means and with

ACTS, 1987. – Chap. 199.

the attorney general within ninety days of the effective date of this act. Any subsequent amendments to said regulations shall also be filed with the house and senate committees on ways and means and with the attorney general.

**SECTION 50.** 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 office of the comptroller, 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-eight, 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 provisions of this section.

**SECTION 51.** 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-eight, 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 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-eight, 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.

**SECTION 52.** 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-seven 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 53.** The division of capital planning and operations is hereby directed to conduct an inventory of all state land and buildings to determine the appropriateness of the utilization of such land and buildings for long-term patient care. Such inventory shall include, but not be limited to, an assessment as to whether such land or buildings would be most effectively utilized by existing state agencies or through contracts, leases, or sales to private vendors, organizations or companies. The

**ACTS, 1987. – Chap. 199.**

findings and recommendations of such inventory shall be submitted to the house and senate committees on ways and means by October first, nineteen hundred and eighty-seven.

**SECTION 54.** The secretary of administration and finance shall investigate and study the costs and benefits of owning or renting buildings for state use. Said study shall assess and project the commonwealth's need for space over the next fifteen years. Said study shall include, but not be limited to, an analysis of the current costs per employee for rented versus state-owned space throughout the state by region and in the city of Boston; an analysis of the possibility and cost implications of moving those labor-intensive operations, which do not interact with the public, from the centers of cities, including Boston, to more rural, less expensive rented or owned space; and evaluate the possible establishment of a statewide long-term space planning unit which would continue the rental versus ownership option analysis on an ongoing basis and be responsible for the locating or relocating of state agencies in the most cost-effective space available and for statewide space planning for all agencies. The functions of said space planning unit would also include the making of existing but obsolete state-owned space available to state agencies.

Said secretary shall make recommendations relative to the projected space requirements of the commonwealth and submit said recommendations, along with a report detailing the findings of said study, to the house and senate committees on ways and means before February first, nineteen hundred and eighty-eight.

**SECTION 55.** The secretary of administration and finance is hereby authorized and directed to initiate a study of the fiscal and governance mechanisms of the regional transit authorities that are established pursuant to chapter one hundred and sixty-one B of the General Laws. Said secretary shall review the operating and capital budgets of said authorities for fiscal years nineteen hundred and eighty-seven, nineteen hundred and eighty-eight and nineteen hundred and eighty-nine, and determine the impact of federal funding decreases in said, and prior, fiscal years on said authorities. Said secretary shall also review said authorities' fare structures, municipal assessments and contributions, the nature and content of authorities' contracts with providers of transportation services and the expansion of transportation service occurring and planned in said fiscal years. Said secretary shall also review the role of the executive office of transportation and construction as it pertains to said authorities' budget process and governance structure. Said secretary shall file said report, together with recommendations for legislation, if any, with the joint committee on transportation and the house and senate committees on ways and means by March first, nineteen hundred and eighty-eight.

**SECTION 56.** Notwithstanding the provisions of 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 57.** The secretary of environmental affairs is hereby authorized and directed to compile the results of acid rain studies funded through its acid rain study account and through the department of fisheries, wildlife and environmental law enforcement acid rain study account. Said compilation shall include recommendations for legislation, if any, to improve the commonwealth's ability to minimize damage and disruption caused by acid rain within the commonwealth's borders and what measures, if any, the commonwealth should undertake regionally and nationally to assist other states and the federal government in reducing acid rain. Said compilation and recommendations shall be filed by the secretary of environmental

affairs with the joint committee on natural resources and the house and senate committees on ways and means by April first, nineteen hundred and eighty-eight.

**SECTION 58.** 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 59.** 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 for 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 of contract management 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, in conjunction with the office of the state auditor, establish a purchase of service training institute to provide technical assistance and training services to both state agency and private provider personnel. The secretary of human services shall determine the frequency of attendance by state agency contract personnel at said institute and shall develop minimum attendance standards at said institute for employees of private providers contracting with the state to provide any social or rehabilitative service. Said providers shall adhere to such standards as a condition of maintaining any such contract with the commonwealth. 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 submit a report annually to the house and senate committees on ways and means by February twentieth of each year detailing the annual amounts of excess public revenues. Said public revenues shall include all state and federal funds which are obligated through human service agencies. Excess public revenues, by program and provider, shall be determined by comparing public revenues received by private providers to allowable expenses against those public revenues which were incurred by said providers in the delivery of purchased services. Said annual report shall apply to all contracts for public funds regardless of rate setting mechanism and shall include, by provider, annual deficiencies related to public revenues.

ACTS, 1987. - Chap. 199.

**SECTION 60.** 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 item 4000-0802 of section two of this act, and shall be transferred to and expended through said item.

**SECTION 61.** 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-nine, 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-seven. Fiscal year nineteen hundred and eighty-nine contract rates negotiated by contracting agencies pursuant to said guidelines shall be deemed approved by the commission unless the commission notifies the office of the comptroller 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.

In fiscal year nineteen hundred and eighty-eight 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 62.** The rate setting commission is hereby authorized and directed to develop and publish a handbook describing and detailing the activities, duties and responsibilities of said commission. Said handbook shall contain sections on each of its component bureaus including the bureau of hospitals, bureau of long-term care facilities, bureau of ambulatory care, bureau of educational, social, and mental health services, and the bureau of systems development. Said handbook shall detail each and every service for which rates are set by each bureau and shall include, but not be limited to, the following information for each said service: when the rates for each service are set for each fiscal year; a summarized listing of the bases used in setting rates, such as historically-based, prospective or national trends and figures; and an explanation of the precise rate setting mechanism or methodology used in setting rates, such as class rates or negotiated rates. Said handbook shall be developed and published by the rate setting commission no later than February first, nineteen hundred and eighty-eight.

**SECTION 63.** Notwithstanding the provisions of any general or special law to the contrary, in determining rates to be paid by governmental units to nursing homes, the rate setting commission shall promulgate regulations which allow for consideration of the following factors: (A) whether the nursing home is located in an underbedded area as determined by the department of public health; (B) whether such nursing home is serving at least seventy per cent of its patients as enrollees in Title XIX of the Federal Social Security Act; and (C) whether the imposition of a ceiling or maximum rate of reimbursement would impose a financial hardship on such nursing home. Such regulations shall allow for an adjustment to the interim rate or final rate of payment when determined appropriate by the commission. Such regulations shall be promulgated within ninety days of the effective date of this act.

**SECTION 64.** Notwithstanding the provisions of section seventy-five of chapter six A of the General Laws or any other general or special law to the contrary, the rate setting commission, where it deems necessary, shall adjust a hospital's allowance for uncompensated care if it has determined that such adjustment is necessary to adequately compensate such hospital for the provision of care and services to recipients of the healthy start program established by item 4513-1005 of section two of this act.

**SECTION 65.** 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, pursuant to the provisions of chapter one hundred and seventeen or chapter 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, or persons determined eligible for assistance pursuant to chapter one hundred and eighteen A who are not maintaining their own homes but are receiving care in a licensed nursing home, a licensed chronic hospital or in an approved public medical institution, shall retain the first sixty-five 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-five dollars, the recipient shall be paid monthly in advance the difference between such income and sixty-five 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 66.** 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 67.** Notwithstanding any provision of any general or special law to the contrary, a certificate of need shall not be required for a health care facility if (A) the facility is, or will be a long-term care facility, an infirmary maintained in a town, a convalescent or nursing home, a rest or charitable home for the aged as defined in section seventy-one of chapter one hundred and eleven of the General Laws, (B) the facility is, or will be located in an underbedded area as determined by criteria developed by the department of public health in consultation with the Massachusetts federation of nursing homes and other interested parties, including the department of elder affairs, (C) the facility is, or will agree to service at least seventy per cent of its patients as enrollees in Title XIX of the Federal Social Security Act, (D) the facility presents an adequate quality assurance program plan meeting criteria established by the department subsequent to consultation with the Massachusetts federation of nursing homes and other interested parties, and (E) the need for such facility has been

ACTS, 1987. - Chap. 199.

established pursuant to an administrative review procedure. Rules and regulations for such administrative review procedure shall be established by the department of public health within ninety days of the effective date of this act.

**SECTION 68.** The executive office of human services is hereby directed to convene a task force which shall include representatives from the department of public health, the department of public welfare, the rate setting commission, the Massachusetts Hospital Association and the Massachusetts federation of nursing homes. The task force shall conduct a study which shall evaluate the feasibility of the conversion of excess acute care hospital beds into long term care beds. Such study shall include recommendations for incentives necessary for the conversion of such excess acute care hospital beds. The results of such study shall be submitted to the house and senate committees on ways and means by January first, nineteen hundred and eighty-eight.

**SECTION 69.** Notwithstanding the provisions of any general or special law to the contrary, the state health education center and the state office of health policy shall study the consolidation of health systems agencies and area health education centers. A report on the study shall be filed with the house and senate committees on ways and means on or before March first, nineteen hundred and eighty-eight.

**SECTION 70.** Notwithstanding the provisions of any general or special law to the contrary, the department of public health is hereby authorized and directed to study the incidence of cancer in the town of Plymouth, and such surrounding communities as may be adversely affected by radioactive emissions from the Pilgrim nuclear reactor. Said study shall include, but not be limited to, an analysis of radioactive emissions from the Pilgrim nuclear reactor and the effect such emissions have on community cancer rates. Said study shall also include, but not be limited to, an investigation of the so-called coastal wind theory, which maintains that coastal winds trap radioactive emissions within the Plymouth area.

The department of public health, as a result of said study, shall make recommendations as to the public health dangers of radioactive emissions from the Pilgrim nuclear reactor. Said recommendations, along with a report detailing and outlining the results and methods of analysis of said study, shall be submitted to the general court by filing the same with the clerk of the house of representatives no later than December first, nineteen hundred and eighty-seven.

**SECTION 71.** Notwithstanding the provisions of any general or special law to the contrary, a general relief recipient's temporary admission to a psychiatric hospital shall not affect said recipients' eligibility for general relief until two months following the commencement of said temporary admission.

**SECTION 72.** The department of public welfare shall, to the extent authorized under Title XIX of the Social Security Act, provide for medical assistance in the form of ambulatory care services to pregnant women who are presumptively eligible for medicaid for the period of time prescribed by federal law. The department shall promulgate regulations to implement this section which shall require providers to notify such pregnant women of the need to file an application for medicaid, and which shall set standards to be used in determining presumptive eligibility by providers who qualify to do so under the department criteria.

**SECTION 73.** Notwithstanding the provisions of section one of chapter one hundred and eighteen E of the General Laws or any other general or special law to the contrary, the medical assistance income standard for (1) women during pregnancy and



during a sixty-day period beginning on the last day of pregnancy, (2) children who have attained one year of age on April first, nineteen hundred and eighty-seven and (3) children who have attained one year of age but not two years of age on October first, nineteen hundred and eighty-seven, shall be one hundred per cent of the non-farm official poverty line as prescribed by the United States Office of Management and Budget, and no resource standard shall be applied to these groups.

A pregnant woman shall remain eligible throughout her pregnancy and for sixty days post-partum without regard to any changes in income of the family of which she is a member.

Effective July first, nineteen hundred and eighty-seven, the medical assistance income standard for individuals sixty-five years of age or older and for individuals who are disabled within the definition of Title XVI of the Social Security Act shall be one hundred per cent of the non-farm official poverty line as prescribed by the United States Office of Management and Budget.

**SECTION 74.** Notwithstanding the provisions of section ten of chapter one hundred and eighteen E of the General Laws or any other general or special law to the contrary, the income and assets of any applicant for medical assistance under eighteen years of age who lives with his or her parent shall be deemed to include the income and assets of the parent of such applicant unless the applicant is married, divorced, or separated, or has served in the armed services, or has been emancipated by the courts, and has received or intends to receive care pursuant to section twelve F of chapter one hundred and twelve of the General Laws and his or her parent does not know that such care has been received or is being sought or has refused to pay for such care; or (1) qualifies as a disabled individual under Title XVI of the Social Security Act, or if in a medical institution, qualifies for SSI or a state supplemental payment, and (2) would require the level of care provided in a hospital, skilled nursing facility or intermediate care facility, and (3) would incur fewer costs by receiving treatment outside of such facility than inside such facility. Nothing in this section shall either restrict or expand eligibility for medical assistance under any existing procedures or agreements between the department of public welfare and the department of social services.

**SECTION 75.** That the membership of the special commission, established by chapter two of the resolves of nineteen hundred and eighty-five and most recently revived and continued by chapter twelve of the resolves of nineteen hundred and eighty-six, is hereby amended by striking out, in lines twelve and thirteen, the words:- "member of the Massachusetts State Labor Council, AFL-CIO" and inserting in place thereof the following:- representative of the Life Insurance Association of Massachusetts, a representative of Blue Cross and Blue Shield, a representative of the Massachusetts Association of Health Maintenance Organizations, a representative of International Brotherhood of Teamsters, Chauffeurs Warehousemen and Helpers of America,- and by inserting after the word "senate", in line seven, the the words:- the commissioner of insurance for his designee, the attorney general or his designee,- and by striking out, in line nineteen, the words "and one lay person".

**SECTION 76.** Notwithstanding the provisions of section sixty-five A of chapter six A of the General Laws or any other general or special law to the contrary, no acute hospital shall deny access to care and services to recipients of the healthy start program; established by item 4513-1005 of section two of this act; provided further, that such recipients shall be exempt from any collection action, preadmission deposit or any other form of billing or collection procedures arising from treatment by an acute care hospital provided under the healthy start program. The healthy start card will constitute sole verification of application and eligibility for free care for inpatient hospital services.

ACTS, 1987. - Chap. 199.

**SECTION 77.** A task force to make an investigation and study of day care affordability and income eligibility for participation in the sliding fee system established in chapter two hundred and six of the acts of nineteen hundred and eighty-six is hereby continued. 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 secretary of human services to be designated by said secretary, a representative of the secretary of economic affairs to be designated by said secretary, a representative of the department of social services to be designated by the commissioner of said department, a representative from a private funding source and a representative from the corporate sector, both to be appointed by the director of the office for children, a member to be appointed by the governor, a child care provider and a representative of the child care resource and referral network, both to be appointed by the director of the office for children, and a member of the Child Care Coalition. Said task force shall file a report, on or before September 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, summarizing the expenditure to date of funds for assistance to certain families as provided in item 4800-0060 of section two of this act and shall file an additional report, on or before February first, nineteen hundred and eighty-eight, with the commissioner of the department of social services and the house and senate committees on ways and means, containing a summary and evaluation of task force accomplishments to date.

**SECTION 78.** 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 the 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

ACTS, 1987. – Chap. 199.

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 the 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 eligibility 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 provisions set forth in this section, the provisions set forth in this section shall govern.

**SECTION 79.** 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 complete the comprehensive statewide plan by January first, nineteen hundred and eighty-eight and fully implement the provisions of the comprehensive statewide plan by June thirtieth, nineteen hundred and eighty-eight.

**SECTION 80.** The departments of mental health and mental retardation shall coordinate with state and local education agencies responsible for the provision of special education pursuant to chapter seventy-one B of the General Laws in the provision of mental health and mental retardation services and programs; provided, however, that nothing herein shall alter in any way the responsibilities of the department of education and of state and local educational entities under the provisions of said chapter seventy-one B. Coordinated services shall be devised, to the extent possible, in a combined joint meeting with family and appropriate professionals. Parents and children shall, to the extent possible, have the right to participate in such a process, and shall have the right to representation and to see written reports of evaluators before the meeting. A parent may take interagency disputes regarding responsibility for services to the interagency team, established by section six A of chapter twenty-eight A of the General Laws, for resolution. Said interagency team shall resolve such disputes promptly with participation by the child, parents, and affected agencies.

Any individual who has not attained the age of nineteen, or any individual between the ages of nineteen and twenty-two and 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 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 in 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 of the residents. The department of mental health shall establish appropriate age groupings for residential programs, and within those programs provide age-appropriate services. Any individual who is not residing in a separate unit appropriate to his age grouping, as required by this section, shall be moved forthwith to a separate age-appropriate unit established by the department of mental health within an existing state facility and staffed by department employees. In making residential placements of individuals between the ages of nineteen and twenty-two who are not receiving structured services pursuant to chapter seventy-one B of the General Laws, the department shall nevertheless consider the age and service needs of the individual to be placed in the placement determination.

**SECTION 81.** The commissioner of the department of mental health is hereby directed to report the number of Rogers cases, so-called, to the house and senate committees on ways and means on or before June thirtieth, nineteen hundred and eighty-eight.

**SECTION 82.** Notwithstanding the provisions of any general or special law to the contrary, neither the department of mental health, the department of mental retardation nor any other state agency or department, shall 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

ACTS, 1987. - Chap. 199.

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 83.** Notwithstanding the provisions of any general or special law to the contrary, the commissioner of the department of mental retardation shall conduct a study and prepare a report on cost-sharing programs which shall include, but not be limited to, methods of cost-sharing for services provided to mentally retarded clients, including third party reimbursements, cost-sharing with other state agencies, availability of personal funds from clients or clients' families, and other means of supplementing the agency's funding for services. Said report shall also include, but not be limited to, an assessment of the necessity for such a program of cost-sharing, including a description of the target population, and a specific methodology for implementing a cost-sharing procedure, including requirements for eligibility.

Said report shall be submitted no later than October thirtieth, nineteen hundred and eighty-seven to the house and senate committees on ways and means.

**SECTION 84.** Funds appropriated in item 4000-0770 of section two of this act, 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 and first line supervisory staff 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 and first line supervisory staff 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-eight; provided further, that all costs for such salary increases during fiscal year nineteen hundred and eighty-eight 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 and first line supervisory staff employees of private human service providers as defined by the rate setting commission. The secretary of the executive office of human services in conjunction with the office of purchased services in the executive office for administration and finance, the office of contract management in the executive office of human services' purchase of service division, and the rate setting commission, in consultation with the department of personnel administration, shall determine appropriate pay rates for all service categories of said direct care employees and first line supervisory staff employees; provided that special consideration shall be paid to the determination of appropriate pay rates for day care and mental retardation service providers and that said pay rates for all day care workers shall be determined after consideration of the final report of the governor's day care partnership projects. Said salary increases shall be equitably distributed across all service categories and shall not exceed the appropriate pay rates determined in accordance with the provisions of this section for any service category. All funds shall be prioritized to those provider groups whose average salary is farthest below the average salary of all other provider groups. 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 first line supervisory staff 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.

In addition, said director of the office of contract management shall submit to the house and senate committees on ways and means no later than 60 days following the award of any salary upgrading funds, a report analyzing all entry level salaries of direct care employees in all contracted social and rehabilitative programs, recognizing there are differing educational and experience requirements of said programs, and assessing the number of direct care employees and the number of programs which vary from an estimated average entry level salary of fifteen thousand dollars.

**SECTION 85.** 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 number 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 86.** The executive office of human services is hereby authorized and directed to make an investigation and study relative to the eligibility requirements and guidelines established for the management of respite care funds. Said investigation and study shall include, but not be limited to, a review of policies with regard to the amount of respite service which can be supported given current funding and how said service relates to actual need. Said executive office of human services shall report the results of its investigation and study, and its recommendations, if any, to the house and senate committees on ways and means on or before January first, nineteen hundred and eighty-eight.

**SECTION 87.** 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.

**SECTION 88.** The division of employment security and the division of insurance are hereby authorized and directed to make an investigation and study relative to providing sanctions under the mature industries law, sections seventy-one A to seventy-one G, inclusive, of chapter one hundred and fifty-one A of the General Laws. The division of employment security in consultation with the division of insurance shall develop recommendations as to the appropriate and feasible sanctions to be imposed upon certified employers who fail to either notify laid-off workers that they are eligible for extended health insurance under their existing employer-sponsored plan or fail to make health insurance premium payments to the insurer, hospital or medical service corporation on behalf of workers who have elected to continue participation in such plans.

Said division shall report the results of its investigation and study, together with a draft of legislation necessary to carry their recommendations into effect, by filing the same with the house and senate committees on ways and means on or before September first, nineteen hundred and eighty-seven.

ACTS, 1987. - Chap. 199.

**SECTION 89.** The director of the division of employment security 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.

Said director 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-eight.

**SECTION 90.** The commissioner of the department of public works shall initiate and conduct a study of its contracting procedures and standards for the removal of snow and ice, as funded through line-item 6030-7201 of section two of this act. Said study shall consider the feasibility of contracting for snow and ice removal on a fixed charge per road mile plowed or treated basis. The department shall also review the manner and basis by which municipalities and private contractors negotiate snow and ice removal rates and consider alternatives to the current state contracting system. The department shall file the results of said study with the house and senate committees on ways and means by April first, nineteen hundred and eighty-eight.

**SECTION 91.** The secretary of transportation and construction shall file a report with the joint committee on transportation and the house and senate committees on ways and means as to the feasibility of establishing commuter and excursion intrastate rail service between Cape Cod and Boston or Braintree by the Massachusetts Bay Transportation Authority for fiscal year nineteen hundred and eighty-nine. Said report shall include detailed analysis of proposed capital and operating expenses, expected volume of ridership, frequency of service and fares to be charged. Said report shall be filed by March first, nineteen hundred and eighty-eight.

**SECTION 92.** There is hereby established a special commission to consist of three members of the senate, seven members of the house of representatives, the secretary of the executive office of transportation and construction 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 environmental management or his designee, the general manager of the Massachusetts Bay Transportation Authority or his designee, the executive director of the Massachusetts Port Authority or his designee, and the executive director of the Woods Hole, Martha's Vineyard and Nantucket steamship authority or his designee, for the purpose of making an investigation and study relative to the establishment and expansion of marine passenger transportation in the commonwealth. Said investigation and study shall include, but not be limited to, a determination of the feasibility of establishing a marine transit service from coastal cities and towns along the northern shore of the commonwealth, including, but not limited to, the municipalities of Gloucester, Salem, Rockport, Lynn and Beverly to other areas of the Commonwealth, increased marine commuter service to and from the city of Boston, the accessibility of ground transportation to marine transit facilities, passenger shuttle service between Boston and Logan International airport via Boston harbor, the operation of ferry service as currently provided to Cape Cod, Martha's Vineyard, and Nantucket, the use of navigable rivers for marine passenger service, the means of financing and operating said services, methods of managing marine traffic in the commonwealth, and the effect of expanded marine passenger service



upon ground transportation facilities. Said commission shall retain the services of a licensed naval architect and marine engineer who shall, in conjunction with said commission, conduct a comprehensive study of marine transit in the commonwealth and make recommendations thereto to said commission.

**SECTION 93.** 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-eight, 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-eight; 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 94.** The commissioner of education shall make an investigative study of the feasibility of creating a tutorial program to eliminate adult illiteracy in the commonwealth. Such program shall incorporate, as teachers, the use of student teachers enrolled in a teaching program in the commonwealth. Said tutorial program shall offer course credit to said student teachers in exchange for their tutorial responsibilities, provided that the department of education shall have received the approval of a participating college or university. Said commissioner shall file said study, along with cost estimates, and recommendations for the implementation of said program, with the house and senate committees on ways and means on or before December first, nineteen hundred and eighty-seven.

**SECTION 95.** Notwithstanding the provision of any general or special law to the contrary, the board of education shall submit reports to the house and senate committees on ways and means, the joint committee on education, and the commissioner of administration detailing individual project expenditures in fiscal year nineteen hundred and eighty-eight under the provisions of items 7052-0004, 7052-0005, and 7052-0006 of section two of this act. Said report shall also list by school district the amount of approvals for school building assistance bureau grants as authorized by item 7052-0004 of said section two in fiscal year nineteen hundred and eighty-eight to be paid in nineteen hundred and eighty-nine. Said grant shall not exceed an authorization level of ten million dollars for fiscal year nineteen hundred and eighty-eight to be paid in fiscal year nineteen hundred and eighty-nine.

ACTS, 1987. -- Chap. 199.

**SECTION 96.** 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 and the joint committee on education 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 by January thirty-first and July thirty-first of each year.

**SECTION 97.** 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, the joint committee on education and the commissioner of administration by January first, nineteen hundred and eighty-eight 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 98.** The state health service corps established by section sixty-one of chapter two hundred and six of the acts of nineteen hundred and eighty-six shall henceforth be administered by the state health education center at the University of Massachusetts Medical Center. 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 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 state officer of regional health education and planning 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 state health education center shall submit, on or before February first, nineteen hundred and eighty-eight, 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 said 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 99.** Notwithstanding the provisions of any general or special law to the contrary, the board of trustees of the University of Massachusetts 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 100.** The department of education shall conduct an investigation and a study of the commonwealth's progress towards the equalization of educational opportunity in the public schools. Said study shall include, but not be limited to, the impact of chapters seventy and seventy A of the General Laws on the quality of public education in the commonwealth, and the correlation, if any, between expenditure levels and student achievement the measurement of which shall include but not be limited to standardized tests. Said department shall submit its findings, along with any recommendations it shall see fit to make, to the joint committee on education and the house and senate committees on ways and means on or before December thirty-first, nineteen hundred and eighty-seven.

**SECTION 101.** There is hereby established a special commission to consist of two members of the senate ways and means committee and three members of the house ways and means committee. Said commission is hereby authorized and directed to investigate, study and prepare plans relative to the establishment of a new department of medical services. The study shall include, but not be limited to an investigation into the feasibility of consolidating the administration of the medicaid programs, currently under the auspices of the department of public welfare and the commission for the blind, the setting and establishing of medicaid rates of payment, negotiating capitated contracts with medical providers, and establishing service delivery models that ensure that recipients receive appropriate medical services in appropriate settings. Said commission shall solicit the advice of the department of public welfare in the course of its investigation. Said commission may travel within the commonwealth and may conduct public hearings.

**SECTION 102.** There is hereby established a special study commission to consist of two members of the senate ways and means committee, one of whom shall be co-chairman of the commission, three members of the house ways and means committee, one of whom shall be co-chairman of the commission, the secretary of elder affairs or his designee, the commissioner of public health or his designee, the president of the Massachusetts Federation of Nursing Homes or his designee, the president of the Association of Massachusetts Homes for the Aged or his designee, the president of the Massachusetts Association of Older Americans or his designee, the executive director of living is for the elderly or his designee, and the president of the Massachusetts Association of Temporary Services, for the purpose of making an investigation and study relative to the use of temporary nursing pool agencies in nursing homes. Said commission is directed to file a report with the house and senate committees on ways and means prior to October fifteenth, nineteen hundred and eighty-seven with legislative recommendations to help increase the quality of care of nursing home patients and control the cost with respect to the use of temporary nursing pools. The commission is also directed to continue to study and recommend further legislation to control the cost and inappropriate utilization of nursing pools and make final recommendations to the house and senate committees on ways and means on or before July first, nineteen hundred and eighty-eight.

**SECTION 103.** There is hereby established a special commission to consist of three members of the senate, six members of the house of representatives, the secretary of the executive office of elder affairs or his designee, the secretary of the

ACTS, 1987. - Chap. 199.

executive office of human services or his designee, the chairperson of the rate setting commission or his designee, and six persons to be appointed by the governor, one of whom shall be employed as a homemaker, home health aide, or nurse's aide, and one of whom shall be a representative from each of the following organizations, to be selected from a list of recommendations provided by each organization: the Massachusetts Federation of Nursing Homes, the Massachusetts Association of Home Care Programs/Area Agencies on Aging, the homemakers' union, Local 1475 of the Service Employees International Union, the Massachusetts Council of Homemaker-Home Health Aide Agencies, the Massachusetts Association of Older Americans, the Massachusetts Association of Community Health Agencies, and the Visiting Nurse Association of Mass., Inc., to make an investigation and study relative to the availability of workers in long term care services for the elderly.

Said commission shall examine, but not be restricted to, the following issues: the impact of the current labor shortage on institutional and community-based long term care and home care services providers and their elderly clients, options for remedying said labor shortage, including financial options, conditions of employment, changes in provider payments, improvements in fringe benefit programs for workers, increased training, certification for long term care workers or the agencies that employ them, career development programs, development of new rate setting methodologies, and other related issues.

Said commission shall report the the general court the results of its investigation and study and its recommendations, if any, to the clerk of the house of representatives on or before the last Wednesday in December, nineteen hundred and eighty-seven.

**SECTION 104.** There is hereby established a special commission to consist of one member of the senate, two members of the house of representatives, the secretary of public safety or his designee, the president of the Massachusetts Motor Transportation Assoc., and an owner-operator of a Massachusetts based trucking business. Said commission shall study motor carrier safety and shall make recommendations regarding current industry regulations, methods for improved enforcement, modifications to current regulations and the adequacy of the state regulatory scheme including appropriate staffing levels. 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 said recommendations into effect, by filing the same with clerk of the house of representatives who shall forward the same to the house and senate committees on ways and means on or before November first, nineteen hundred and eighty-eight.

**SECTION 105.** There is hereby established a special commission to consist of three members of the senate, eight members of the house of representatives, the secretary of communities and development, the director of the governor's office of economic development, the secretary of environmental affairs, the secretary of transportation and construction, the director of the Massachusetts historical commission, and five persons to be appointed by the governor, one of whom shall be a representative of the Massachusetts Municipal Association, one of whom shall be an individual with demonstrated expertise in environmental resource management, one of whom shall be an individual with demonstrated expertise in land use planning, one of whom shall be an individual with demonstrated expertise in the field of development and construction of one- to four-unit family dwellings, and one shall be an individual with demonstrated expertise in the field of development and construction of multifamily/commercial/industrial projects, for the purpose of making an investigation and study relative to patterns of residential, commercial, industrial and recreational development throughout the commonwealth and the impact on land use, natural resources, affordable housing, employment, infrastructure, and local governance.

Said commission shall prepare a program for balanced growth and development which represents a balance of development and conservation objectives best suited to meet the needs of the commonwealth. Said program shall include, but not be limited to: alignment of land use patterns with the limited supply of natural resources in the commonwealth; meeting the commonwealth's needs for provision of affordable housing; provision of adequate infrastructure facilities, including water and sewer service, transportation, and solid waste disposal, and coordinating of such infrastructure development to the achievement of the other goals and policies recommended by the commission; preservation of cultural and historic resources; management of developments having greater than local impact; protection of rural resources; anticipating and guiding the rate and location of development and the infrastructure necessary to support it; the desirability of specific strategies of community, regional and state planning including an examination of the effect of tax and economic incentives on balanced growth, shared land use planning responsibility and the improvement of planning capacity at all levels of government; and the possibilities for cooperation with adjacent states with the intent of achieving the best growth patterns for the New England region.

**SECTION 106.** *The secretary of state shall make an investigation and study relative to the occurrence of computer fraud in elections. Said study shall include, but shall not be limited to, an analysis of computer fraud problems encountered in the commonwealth and elsewhere, and a detailing of the procedures available and employed for preserving the integrity of ballot tabulation. Said study shall also include a detailed examination of computer devices available for verifying election results.*

*The secretary shall report the results of his investigation and study, and his recommendations, if any, together with the drafts of legislation necessary to carry said recommendations into effect, by filing the same with the house and senate committees on ways and means on or before February first, nineteen hundred and eighty-eight.*

**SECTION 107.** *There is hereby established a special commission to consist of two members of the senate, three members of the house of representatives, and four persons to be appointed by the governor, one of whom shall be a district attorney, one of whom shall be the president of the Massachusetts high technology council or his designee, and two of whom shall be persons knowledgeable in one or more of the following areas: computer systems of networks, and computer software, programs, and databases; and the design and use of computer software, programs, and databases, for the purpose of reviewing the adequacy of current laws defining crimes involving the use of computers, computer databases and related tangible and intangible property.*

*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 December first, nineteen hundred and eighty-seven.*

**SECTION 108.** *Pursuant to section eighteen of chapter nineteen B and section twenty-one of chapter nineteen of the General Laws, and no later than August first, nineteen hundred and eighty-seven, the commissioner of mental retardation and the commissioner of mental health shall enter into a written interagency agreement for the purpose of providing appropriate services to, and planning for dual diagnosed clients. The interagency agreement (i) shall include standards, consistent with this section, for determining whether a particular dual diagnosed client is to be served by the department of mental retardation, by the department of mental health or by both departments, (ii) shall include a dispute resolution process with appropriate procedural protections to resolve disputes between the departments, and (iii) shall provide for the fiscal and program planning described in this section.*

ACTS, 1987. - Chap. 199.

No later than November first, nineteen hundred and eighty-seven, the department of mental retardation and the department of mental health shall complete program and fiscal planning sufficient to prepare funding requests in order to provide services to the dual diagnosed clients residing in a psychiatric hospital operated by the department of mental health or a community mental health center operated, staffed or funded by the department of mental health. The commissioners of mental health and mental retardation shall submit to the secretary of the executive office of human services a request for said funding, so that the request may be included in the governor's budget recommendations for fiscal year nineteen hundred and eighty-nine.

No later than October fifteen, nineteen hundred and eighty-seven, November fifteen, nineteen hundred and eighty-eight and June thirty, nineteen hundred and eighty-nine the commissioners of mental health and mental retardation shall report in writing to the special commission, established by section seventy-one of chapter two hundred and six of the Acts of nineteen hundred and eighty-six. The reports shall describe compliance with this section and the progress made toward providing appropriate services to dual diagnosed clients. The March and June reports shall include, but not be limited to, a description of the number and locations of the dual diagnosed clients; their residential and programming needs as determined by the departments; program development initiatives underway in both departments to serve these clients; and the timelines for completing the implementation of these services.

**SECTION 109.** Pursuant to the provisions set forth in section twenty-one of chapter nineteen and section eighteen of chapter nineteen B of the General Laws, and the requirements of chapter five hundred and ninety-nine of the Acts of nineteen hundred and eighty-six, regarding interagency agreements between the commissioners of the department of mental health and the department of mental retardation, said commissioners shall enter into a master agreement providing for a responsible implementation of said chapter five hundred and ninety-nine.

The individual components of said agreement shall include:

- (i) allocation to the department of mental retardation of resources and of program authority and responsibility from the department of mental health;
- (ii) authority and responsibility for fiscal and support services;
- (iii) role of citizen advisory boards;
- (iv) completion of relevant interagency agreements;
- (v) mechanisms for information sharing.

The agreement shall provide for such components to be initiated no later than July first, nineteen hundred and eighty-seven and completed no later than July first, nineteen hundred and eighty-eight. Said master agreement shall be filed with the house and senate committees on ways and means and the special commission established by section seventy-one of chapter two hundred and six of the Acts of nineteen hundred and eighty-six, on or before July thirtieth, nineteen hundred and eighty-seven.

**SECTION 110.** There is hereby established a transitional assistance coordinating committee, which shall be chaired by the governor of the commonwealth, and which shall consist of the governor, the commissioner of the department of public welfare, the secretary of human services, the secretary of communities and development, the secretary of economic affairs, the chancellor of the board of regents of higher education, the commissioner of education, the secretary of labor, and the secretary of administration and finance. The transitional assistance coordinating committee shall (1) review and approve a three-year transitional assistance plan, proposed by the department of public welfare, which details and prioritizes

statewide performance goals to be fully implemented by the end of fiscal year nineteen hundred and ninety; (2) review and approve a transitional assistance plan for fiscal year nineteen hundred and eighty-nine, and annually thereafter, which is consistent with the three-year plan, and which sets forth specific performance objectives for all transitional assistance-related programs; (3) ensure that all budgets submitted by agencies administering transitional assistance-related programs conform to the priorities and recommendations of the three-year and annual plans; (4) assist in the development of annual transitional assistance budgets submitted by the governor to the general court; and (5) ensure the implementation of the goals included in the three-year and annual plans by fostering administrative cooperation and coordination among state agencies involved with the department of public welfare in the implementation of transitional assistance plans.

Transitional assistance shall mean those benefits and services which are designed to meet basic needs, which assist in achieving economic independence, and which further welfare diversion.

**SECTION 111.** The department of public welfare shall have the authority to execute performance agreements with departments or agencies for transitional assistance-related services. Such contracts may include, but shall not be limited to, the purchase of employment and training services from agencies within the executive office of economic affairs, education services from the department of education and from higher education institutions, day care services from the department of social services, and housing services from the executive office of communities and development. Said contracts may include performance goals relative to services for persons receiving transitional assistance, and may authorize reimbursement mechanisms which tie payment to the achievement of said goals.

**SECTION 112.** A special job training and placement planning committee, co-chaired by the secretary of economic affairs and the governor's education advisor, and including the chancellor of the board of regents of higher education, the commissioner of education, the secretary of labor, the governor's education advisor, the secretary of communities and development, and the secretary of human services, or their designees is hereby established. The goal of the committee's deliberations shall be a comprehensible job training and placement system, which targets the general economy, is responsive to the needs of Massachusetts businesses and job-seekers, provides accurate and timely information, and coordinates the activities of the state's job training and placement programs. Specific tasks of said committee shall be 1) to identify existing job placement and training programs administered directly or indirectly by state government, 2) to identify common data elements which are needed for comparative analysis and for outcome measurement of all job training and placement programs, 3) to identify existing administrative obstacles to the comprehensible system described above, and 4) to recommend statutory and other changes needed to effect improvements in the existing system.

A report of the committee shall be filed with the joint committee on commerce and labor and the house and senate committees on ways and means by December thirty-first, nineteen hundred eighty-seven and shall, at a minimum, address the following issues: (1) identification of a permanent vehicle for policy coordination of job training and placement programs; (2) resources needed to develop a job training and placement data collection system capable of producing useful management information statistics; (3) a proposal to simplify the job training and placement activities of state and local programs to provide easy access to programs for employers and prospective employees; (4) identification of the respective roles of the JTPA system and the division of employment security in a restructured job training and placement system; (5) identification of a means by which the job training activities of public education institutions, both secondary and post-secondary, can better meet the needs of the job placement system administered by the executive office of economic affairs; (6) a proposal for establishing permanent partnerships with Massachusetts employers and state labor councils in the

**ACTS, 1987. - Chap. 199.**

formation of job training and placement policies; (7) a strategy to develop public-private partnerships to finance job placement and training activities in the future; and (8) a strategy to encourage the federal government to allow more flexibility at the state level in the use of federal job training and placement funds.

**SECTION 113.** A special twenty-three member commission is hereby established to review the management needs of the environmental affairs secretariat and to recommend a management plan, a financial plan, and an administrative plan for the secretariat. The specific concerns of the commission shall include the appropriate management structure and resources for the office of the secretary to permit the secretary to exercise policy control over implementation of the environmental protection mandate; the appropriate roles for each of the environmental affairs agencies and appropriate management structures to enable agencies to meet their environmental protection responsibilities efficiently and effectively without duplication of effort, internal and inter-agency program conflicts, or conflicts between environmental agencies and other agencies of state government, such as the department of public health; a long-term plan for financing environmental protection activities of the secretariat, including the appropriate use of local, state, and federal funding sources, as well as recommendations to improve enforcement of private obligations and maximize potential private funding sources; and a definitive catalogue of the responsibilities and deadlines constituting the environmental protection agenda, with long-term performance goals for the secretariat and its agencies in each environmental protection programming area. For purposes of this section, the environmental protection agenda shall mean activities, functions, and responsibilities falling within the categories of (1) open space acquisition, (2) coastal zone management, (3) water resources planning, policy and protection, (4) waste management and clean-up, and (5) air quality control.

Said commission shall be appointed by the governor and shall consist of public and private professionals in the fields of management, environmental science and engineering, government, business, and labor. The Chairmen of the Joint Committee on Natural Resources and Agriculture shall also serve as members of the Commission. The chairman of the commission shall be an experienced and prominent figure in the administration of government environmental protection programs. The commission shall issue its preliminary report by May first, nineteen hundred and eighty-eight. A final report, consisting of the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to effect its recommendations, shall be filed with the senate and house committees on ways and means by March first, nineteen hundred and eighty-eight.

**SECTION 114.** The supreme judicial court shall provide by rule for the mandatory pre-service and in-service training of the justices of the commonwealth. Said rules shall at least require every justice of the trial court to complete four weeks of approved training prior to assuming the duties of justice, and to complete ten days of approved continuing education during each year of service as a justice. Said rules shall also provide for the approval of programs to comply with this or any other requirement. Said rules shall also provide for the submission by justices to the supreme judicial court of affidavits of compliance with this or any other requirements.

**SECTION 115.** The joint committee on the judiciary is hereby authorized and directed to conduct a study to identify and analyze the structural impediments to proper management within the trial court, including but not limited to the following issues: fragmentation of authority among the judge, the clerk, and the chief probation officer; the position of the probation department within the management hierarchy; the management structure of the superior court; and the accountability of presiding justices and other division managers. For the purposes of said study, said committee shall consult with experts in



the field of judicial administration. Said committee shall file a report of said study, including recommendations for legislation, if any, with the clerks of the senate and the house of representatives no later than February first, nineteen hundred and eighty-eight.

**SECTION 116.** The trial court is hereby directed to transfer the deed to the former B.M.C. Durfee high school building acquired by the division of capital planning and operations pursuant to section eighty-two of chapter two hundred and six of the Acts of nineteen hundred and eighty-six, to said division.

**SECTION 117.** As a condition for the receipt of a county correctional operation grant pursuant to item 4000-0780 in section two, each county receiving such a grant shall maintain the level of expenditure from tax revenues levied pursuant to sections thirty and thirty-one of chapter thirty-five of the General Laws for the operation of county jails and houses of correction at a minimum level of the amount expended for such purposes in fiscal year nineteen hundred and eighty-five plus seven and seven tenths percent. For each succeeding fiscal year, each counties expenditures for such purposes shall increase this level by a minimum of two and one half percent above such counties expenditures for such purpose during the fiscal year preceding its receipt of said grant. The department of revenue shall conduct an audit of each county prior to their receipt of such a grant or within sixty days after a grant has been issued. Upon completion of each audit said department shall forward a detailed report of each audit to the house and senate committees on ways and means and to the commissioner of administration. Said department shall annually conduct an audit of each county which receives such a grant for a period of five years after such grant has been issued for the purpose of determining whether each county has fulfilled all of the conditions of its receipt of such grants and to determine whether each county is in compliance with applicable regulations promulgated by the secretary of the executive office of human services governing the use of such grants. Any county which is not in compliance with applicable regulations or that has not complied with the conditions for receipt of a grant shall return an amount equal to its grant award to the secretary who shall return the same to the General Fund.

Before issuing county correction operation grants, the secretary of the executive office of human services shall execute a grant award which sets forth the conditions for receipt of such grant with the sheriff of such county or the penal commission. The grant awards shall also include a statement detailing the number of funded beds that will be available for use by the commonwealth. In determining who shall receive grant awards said secretary shall give priority to applicant counties which accept state inmates.

There is hereby established a special commission for the purpose of conducting a study of a system of state financial assistance for county jails and houses of correction and the feasibility of establishing an executive office of criminal justice. The commission shall consist of six members appointed by the speaker of the house and six members appointed by the senate president, provided, however, that of the six members appointed by each branch of the legislature two shall be citizens of the commonwealth who are not members of the legislature and who are familiar with the administration of criminal justice and corrections in the commonwealth. The commission shall file its report with the house and senate committees on ways and means on or before the last Wednesday in February, 1988.

**SECTION 118.** No later than January first, nineteen hundred and eighty-eight, the department of mental health shall submit to the house and senate committees on ways and means a report on the efficiency and effectiveness of partnership arrangements between the department and mental health clinics in the delivery of community mental health services to clients of the department. The report shall include (1) information with regard to the types of services provided by state

ACTS, 1987. - Chap. 199.

employees assigned to mental health clinics under these partnership arrangements; (2) the number and type of clients served by such state employees; and (3) the amount of third party revenue generated by such employees. In addition, the report shall indicate what steps the department is taking to assure that these partnership arrangements and third party revenues received through these partnership arrangements are directed towards serving priority clients as identified by the department.

**SECTION 119.** 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 chapter at the time of petition, the rate setting commission shall, in determining the interim rate for said nursing home, allow a three per cent increase in fiscal year nineteen hundred and eighty-eight 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. Said procedures shall ensure (1) that petitions of providers otherwise eligible under the provisions of this section are not rejected on the basis of the rate setting commission's judgment of need, (2) that wage increases shall be effective July first, nineteen hundred and eighty-seven, (3) that wage increases are calculated on the basis of full staffing levels rather than on payroll periods with less than full staffing, (4) that the calculation of public days shall include days reimbursed by the commission for the blind, and (5) that facilities shall not be penalized on final rate settlement for costs in excess of ceilings which result from participation in the wage increase program.

**SECTION 120.** Notwithstanding the provisions of any general or special law to the contrary, the state comptroller is hereby authorized and directed to transfer thirty-three thousand, one hundred and ninety dollars, an amount equal to the Fannie Ellen Irving bequest, so-called, from the pension fund of the teachers' retirement board to the General Fund, to reimburse the commonwealth for expenditures authorized by item 1111-0011 of section two of this act.

**SECTION 121.** The executive office of environmental affairs, the office of employee relations, and the department of personnel administration, with input from the Massachusetts Organization of Scientists and Engineers, are hereby authorized and directed to study the barriers to recruitment of environmental scientists. Said study should investigate the feasibility of establishing classes of positions the duties of which would require advanced scientific training and education sufficient to include knowledge of the environmental technology necessary to identify, contain, and eliminate toxic pollutants. Recommendations for overcoming such barriers, including an appropriate salary structure for such classes of positions and a draft of any necessary legislation, shall be filed with the house and senate committees on ways and means on or before January fifteenth, nineteen hundred and eighty-eight.

**SECTION 122.** All monies remaining unexpended on the effective date of this act which were appropriated by line item 2200-0300 of section two of chapter two hundred and six of the acts of nineteen hundred and eighty-six for a program of grants to cities, towns, and regional planning agencies to provide for the safe disposal of household hazardous waste are

hereby transferred to, and shall be available for expenditure by the department of environmental management for the purposes for which such funds were appropriated.

Nothing in this section shall be construed to transfer monies obligated by the department of environmental quality engineering for a program of water conservation grants to cities, towns, and districts of the commonwealth as authorized by a portion of line item 2200-0300 of section two of chapter one hundred and forty of the acts of nineteen hundred and eighty-five.

All questions regarding the identification of the monies which shall be transferred shall be determined by the secretary of environmental affairs.

All duly existing contracts, agreements, and obligations of the department of environmental quality engineering which relate to grants to cities, towns, and regional planning agencies to provide for the safe disposal of household hazardous waste and which are executed or in force immediately prior to the effective date of this act, shall thereafter be performed and be enforceable by the department of environmental management. No existing right or remedy of any character shall be lost, impaired or affected by the provisions of this act.

All books, papers, records, and documents, which immediately prior to the effective date of this act, are in the custody of the department of environmental quality engineering and which relate to or are maintained for the purpose of the exercise of such powers or the performance of such duties as authorized or required pursuant to item 2200-0300 of section two of chapter two hundred and six of the acts of nineteen hundred and eighty-six, are hereby transferred to the department of environmental management.

All questions regarding the identification of such books, papers, records, and documents to which custody thereof is transferred shall be determined by the secretary of environmental affairs.

**SECTION 123.** Notwithstanding the provisions of paragraph (d) of section two D of chapter twenty-nine of the General Laws and clause (c) of section thirty-five of chapter ten of the General Laws, or any other general or special law to the contrary, any amount in excess of one hundred and ninety-five million dollars transferred from the State Lottery Fund to the Local Aid Fund for fiscal year nineteen hundred and eighty-seven shall be assigned to a reserve account within the Local Aid Fund and shall be available for expenditure in fiscal year nineteen hundred and eighty-eight. Any funds transferred to the Local Aid Fund pursuant to this section shall not be distributed as authorized by section eighteen C of chapter fifty-eight of the General Laws, shall not be expended or transferred to any other fund, including the General Fund, without further legislation, and shall be used only by municipalities to restore funding lost from the expiration or reduction of state or federal programs or to provide funding for unexpected expenses of such municipalities.

**SECTION 124.** The governor shall appoint a panel to evaluate the organizational structure of the University of Massachusetts Medical Center and the likely affect on the effectiveness of operation, management, teaching faculty and quality of education caused by operating the school as a separate organization from said teaching hospital.

The panel shall consist of the president of the Massachusetts Medical Society, two deans of nationally recognized, prominent, accredited medical schools located outside of the commonwealth, the secretary for administration and finance, the commissioner of the department of public health, the commissioner of the department of mental health, the president of the University of Massachusetts, the chairman of the board of trustees of the University of Massachusetts, and one person from the area served by the Hospital knowledgeable in the delivery of health care services.

ACTS, 1987. - Chap. 199.

The panel shall report its findings on or before the first Wednesday in June, nineteen hundred and eighty-eight, to the governor and to the general court.

The panel may be reimbursed for actual and necessary expenses incurred as a result of activities required by this section from funds appropriated to the governor for extraordinary expenses.

**SECTION 125.** Notwithstanding the provisions of subdivision (3) of section forty-six C of chapter thirty of the General Laws or any other general or special law to the contrary, the personnel administrator shall implement, for the fiscal year nineteen hundred and eighty-eight, a merit bonus program for executive branch managers based on a plan submitted to and approved by the house and senate committees on ways and means. Said plan shall be based upon the standard performance evaluation system; provided however, that bonus payments pursuant to said program for said fiscal year shall be paid, subject to appropriation, in fiscal year nineteen hundred and eighty-nine; provided further, that no step-rate salary increase or merit bonus payments shall be granted to a manager of the commonwealth subject to the provisions of said section forty-six C of said chapter thirty on the basis of any period of performance evaluation during which the manager did not meet the requirements for the granting of a step-rate salary increase.

Effective for all step rate salary increases granted for performance evaluation periods beginning July, nineteen hundred and eighty-seven, no step rate salary increases shall be granted to a manager of the Commonwealth subject to the provisions of said section forty-six C of said chapter thirty on the basis of any period of performance evaluation during which the personnel under the direct supervision of such manager are absent from work at a rate more than fifteen per cent above the average rate of absenteeism for all personnel of the commonwealth for the same period, as determined by the undersecretary of human resource administration, unless the appointing authority for such manager shall certify to said personnel administrator that such absenteeism in excess of said average rate was not substantially attributable to the actions, or failure to act, of such manager. The provisions of this section shall not be deemed to permit any manager to be granted a step-rate increase if such manager would not otherwise be granted such a payment or increase pursuant to said section forty-six C of said chapter thirty, as applicable. For the purposes of this section, "absenteeism" shall include sick leave, and unauthorized absence, but shall not be deemed to include any long-term disability leave, parenting or maternity leave, leave pursuant to the provisions of chapter one hundred and fifty-two of the General Laws, or leave approved for drug or alcohol rehabilitation.

In each performance evaluation period beginning on or after the first of July, nineteen hundred and eighty-eight, no such step-rate salary increase shall be granted for any period of performance evaluation during which the personnel under the direct supervision of a manager are absent from work at a rate more than ten per cent above said average, subject to the conditions of this section; provided, that such a step-rate increase may be granted for any manager based on a period of performance evaluation during which the personnel under his or her direct supervision were absent from work at a rate greater than ten but less than twenty-five per cent above said average, if such rate for said personnel is at least ten per cent less than the rate for all personnel directly supervised by said manager in the period of performance evaluation immediately prior thereto.

**SECTION 126.** 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 B to two C, inclusive, of this act 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

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-two. Notes and interest thereon issued under the authority of this section, notwithstanding any other provision of this act, shall be general obligations of the commonwealth.

**SECTION 127.** To meet the expenditures necessary to carrying out the provisions of section two B of this act, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth, to any amount specified by the governor from time to time, not exceeding in the aggregate, the sum of one hundred five million, two hundred two thousand, three hundred and ninety-one dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Capital Outlay Loan, Act of nineteen hundred and eighty-seven, 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 twelve. Bonds and interest hereon issued under the authority of this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth.

**SECTION 128.** To meet the expenditures necessary in carrying out the provisions of section two C of this act, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth to an amount to be specified by the governor from time to time, not exceeding in the aggregate, the sum of three hundred and fifty thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Highway Improvement Loan, Act of nineteen hundred and eighty-seven, 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 twelve. All interest and payment on account of principal of such obligations shall be payable from the Highway Fund. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth.

**SECTION 129.** To meet the expenditures necessary to carrying out the provisions of section two D of this act, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth, to an amount specified by the governor from time to time, not exceeding in the aggregate, the sum of ninety-four million, one hundred thirty-one thousand, two hundred and fifty dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Capital Outlay Repair Loan, Act of nineteen hundred and eighty-seven, and shall be issued for such maximum term of years not exceeding ten 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 two. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth.

**SECTION 130.** To meet the expenditures necessary to carrying out the provisions of section two E of this act, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth, to an amount specified by the governor from time to time, not exceeding in the aggregate, the sum of four million, one hundred and fifty thousand dollars.

**ACTS, 1987. – Chap. 199.**

All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Highway Improvement Repair Loan, Act of nineteen hundred and eighty-seven, and shall be issued for such maximum term of years not exceeding ten 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 two. All interest and payments on account of principal of such obligations shall be payable from the Highway Fund. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth.

**SECTION 131.** To meet the expenditures necessary to carrying out the provisions of section two F of this act, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth, to an amount specified by the governor from time to time, not exceeding in the aggregate, the sum of fifty-one million and thirty-one thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Capital Outlay Equipment Loan, Act of nineteen hundred and eighty-seven, 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-nine. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth.

**SECTION 132.** To meet the expenditures necessary to carrying out the provisions of section two G of this act, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth, to an amount specified by the governor from time to time, not exceeding in the aggregate, the sum of seven hundred thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Highway Improvement Equipment Loan, Act of nineteen hundred and eighty-seven, 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-nine. All interest and payments on account of principal of such obligations shall be payable from the Highway Fund. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth.

**SECTION 133.** Section 4G of chapter 7 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in lines 6 and 7, the words "; the teachers' retirement board established by section sixteen of chapter fifteen".

**SECTION 134.** The first paragraph of section 49 of chapter 10 of the General Laws, as so appearing, is hereby amended by inserting after the word "law", in line 5, the words:– ; provided, however, that beginning in fiscal year nineteen hundred and eighty-nine, the amount retained of the total revenues received under the provisions of chapter two hundred and fifty-eight B shall not exceed one hundred and ten per cent of the amount appropriated from the Fund during the previous fiscal year; all additional revenue shall be paid into the General Fund.

**SECTION 135.** Section 7 of chapter 23E 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 period for which a former member may be recalled shall not exceed one year, but the governor may, upon the request of the commissioner and the advice and consent of the council, recall said member for successive one year periods.

**SECTION 136.** Chapter 29 of the General Laws is hereby amended by inserting after section 2I the following section:-  
Section 2J. There shall be established and set-up on the books of the commonwealth a separate fund to be known as the Environmental Challenge Fund. There shall be credited to such fund:

- (a) any amounts collected pursuant to section sixteen of chapter twenty-one A;
  - (b) any amounts collected pursuant to chapter twenty-one E;
  - (c) any amounts collected pursuant to section ten or section fifteen of chapter four hundred and five of the acts of nineteen hundred and eighty-five; and
  - (d) any income derived from the investment of amounts credited to said fund.
- Amounts credited to the Environmental Challenge Fund shall be used, subject to appropriation, solely for the clean-up, the control, or reducing the production of hazardous waste.

**SECTION 137.** Said chapter 29 is hereby further amended by inserting after section 5C the following section:-  
Section 5D. At the close of each fiscal year, the comptroller shall determine the amount expended during the fiscal year from each state fund, other than the General Fund, for compensation of state personnel. On the basis of said determination, the comptroller shall charge each such fund an amount for fringe benefit costs expended from the General Fund and attributable to compensation paid from said other funds, based on a fringe benefit rate to be set annually by the commissioner of administration. The amount so charged shall be credited to the General Fund.

**SECTION 138.** Chapter 32A of the General Laws, is hereby amended by inserting after section 4 the following section:-  
Section 4A. The commission when providing hospital, surgical, medical, dental and other health insurance coverage as authorized by this chapter may, in lieu of or in addition to entering into the insurance policies, agreements or contracts described in this chapter, enter into an administrative services or similar contract with an insurance carrier or non-profit hospital or medical service corporation or other third-party administrator. If deemed by the commission to be in the best interest of the commonwealth and its active and retired employees and their eligible dependents, the commission may enter into such service-type contracts for a period not to exceed five years.

**SECTION 139.** Section fourteen A of chapter seventy-three of the General Laws is hereby repealed.

**SECTION 140.** Section nine of chapter 75A of the General Laws is hereby repealed.

**SECTION 141.** Section 71A of chapter 151A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the definition of "Advance notification" and inserting in place thereof the following definition:-  
"advance notification", a voluntary declaration in writing given by the employer to the employee or to the employee's authorized collective bargaining agent that a plant closing will occur.

**SECTION 142.** Chapter 211 of the General Laws is hereby amended by inserting after section 3B the following section:-

ACTS, 1987. – Chap. 199.

Section 3G. The justices of the supreme judicial court shall establish a judicial institute to provide for the training of the judicial and non-judicial personnel of the trial court, the appeals court and the supreme judicial court. Said institute shall perform and continually update a comprehensive analysis of the training needs of such personnel, and ensure that such needs are met through programs of the institute provided directly or by contract or through programs of other institutions. Programs of the institute shall include but not be limited to pre-service training for judges through seminars and through a mentor judge program, management training for judges and clerks, and continuing education for all personnel. The institute shall be provided with suitable offices in the Suffolk county courthouse or elsewhere. The supreme judicial court may, within the limits of the amount appropriated therefor, appoint an executive director for said institute and such clerks and assistants as it may require and may make such expenditures as may be necessary to execute effectively the functions of said institute. The supreme judicial court may further appoint an advisory committee for the purpose of assisting the court in matters pertaining to the institute. The composition of the committee, the terms of its members, and the scope of its responsibilities shall be determined by the court.

**SECTION 143.** Section 4 of chapter 211B of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the sixth paragraph and inserting in place thereof the following paragraph:-

Each justice shall be entitled to thirty days vacation leave, twenty days sick leave, and five days personal leave in each calendar year. Each justice shall also be provided with fifteen days education leave in each calendar year except in the first year of service, when said justice shall be provided with twenty days education leave prior to assuming the duties of justice. Vacation leave and sick leave not used in any such year may be accumulated, provided that the number of vacation days so accumulated shall not exceed sixty and the total amount of sick leave not exceed one hundred and eighty days. A justice of the trial court appointed to any judicial office before July first, nineteen hundred and eighty-seven shall be credited with accrued vacation leave and sick leave with respect to each year of such prior judicial service at the rate and subject to the limitations set forth in this paragraph, except that the rate for crediting said sick leave shall be thirty days for each calendar year. Each qualifying justice shall also be provided with maternity leave for the same period and upon the same terms and conditions as management and confidential employees of the commonwealth.

**SECTION 144.** Section 6 of chapter 218 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

The senior justice in length of full-time service in the division to which he is appointed, whether as justice or as special justice, shall be the first justice of said division; provided, however, that a senior justice of a division may, at any time, without losing any powers, duties, rights, and privileges of a justice or special justice in the division to which he is appointed, inform the administrative justice of the district court department that he declines to serve, or no longer wishes to serve, as first justice, whereupon the next most senior justice in length of service, seniority to be determined in accordance with this section and section two of chapter five hundred and fifty-two of the acts of nineteen hundred and eighty-two, appointed to said division, whether as justice or special justice, wishing to serve as first justice of said division, shall serve as first justice with the same rights, powers, duties and privileges of a first justice. Said justice shall serve for a term of three years and shall be eligible to succeed himself. Citations, orders of notice, writs, executions and all other processes issued by the clerk of the division shall bear the teste of the first justice thereof or the administrative justice of the department. The first justice shall be the administrative head of his division, and without limiting the foregoing, shall appoint temporary clerks, court officers and probation officers, and shall approve the appointments of assistant clerks and



temporary assistant clerks, with all of such appointments subject to rejection for noncompliance by the chief administrative justice as provided in section eight of chapter two hundred and eleven B.

**SECTION 145.** Chapter 354 of the acts of 1952 is hereby amended by inserting after section 17 the following section:-

**Section 17A.** The Authority is hereby authorized and directed to reimburse the commonwealth for the amount of retirement costs incurred by the commonwealth on behalf of employees of the department of public safety for the time such employees are assigned by the commissioner of said department to duty with the Authority. Said amount shall be the retirement cost portion of the cost of fringe benefits as determined by the commissioner of administration pursuant to section six B of chapter twenty-nine of the General Laws. Said amount shall be reimbursed annually to the commonwealth for fiscal years beginning after June thirtieth, nineteen hundred and eighty-seven.

**SECTION 146.** Chapter 465 of the acts of 1956 is hereby amended by inserting after section 34 the following section:-

**Section 34A.** The Authority is hereby authorized and directed to reimburse the commonwealth for the amount of retirement costs incurred by the commonwealth on behalf of employees of the department of public safety for the time such employees are assigned by the commissioner of said department to duty with the Authority. Said amount shall be the retirement cost portion of the cost of fringe benefits as determined by the commissioner of administration pursuant to section six B of chapter twenty-nine of the General Laws. Said amount shall be reimbursed annually to the commonwealth for fiscal years beginning after June thirtieth, nineteen hundred and eighty-seven.

**SECTION 147.** Item 1102-8842 of section 2 of chapter 723 of the acts of 1983 is hereby amended by striking out the wording and inserting in place thereof the following:-

For studies, and the preparation of plans, if necessary, and for certain repairs, renovations and upgrading of the state house exterior building structure, building support systems, public and office spaces, and to improve the site and landscape; including the cost of furnishings and equipment.

**SECTION 148.** Item 2440-9847 of section 7A of said chapter 723 is hereby amended by inserting after the word "prisoners", in line 8, the words:- and boats, airboats and boat trailers as determined to be necessary by the commissioner of the metropolitan district commission.

**SECTION 149.** Section 1 of chapter 811 of the acts of 1985 is hereby amended by striking out, in line 3, the words "nine hundred and thirteen" and inserting in place thereof the words:- eight hundred and eighty-three.

**SECTION 150.** Clause (b) of section 2 of said chapter 811 is hereby amended by striking out, in line 1, the word "forty" and inserting in place thereof the word:- ten.

**SECTION 151.** Clause (b) of section 3 of said chapter 811 is hereby amended by striking out, in line 1, the word "twenty-five" and inserting in place thereof the word:- fifty-five.

**ACTS, 1987. – Chap. 199.**

**SECTION 152.** Item 0612-1505 of section 2 of chapter 206 of the acts of 1986 is hereby amended by adding the following:-

Local Aid Fund	50.0%
General Fund	50.0%

**SECTION 153.** Items 0612-1505, 0699-1800, 0699-1801, 0699-1900, 0699-5800, 0699-5801, 0699-5900, 2200-0301, 2440-0022, 2440-0033, 4000-0780, and 7052-0004 of said section 2 of said chapter 206 is hereby amended by adding, in each instance, the following:-

Local Aid Fund	100.0%
----------------	--------

**SECTION 154.** Section 78 of said chapter 206 is hereby amended by striking out, in line 6, the word "five" and inserting in place thereof the word:- ten.

**SECTION 155.** Chapter 599 of the acts of 1986 is hereby amended by striking out section 57 and inserting in place thereof the following section:-

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 the transition plan, without impairment of civil service status, without interruption of service within the meaning of chapter thirty-one of the General Laws or of section nine A of chapter thirty of the General Laws, 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 156.** This act shall take effect as of July first, nineteen hundred and eighty-seven. Section one hundred and twenty-three shall take effect as of June thirtieth, nineteen hundred and eighty-seven.

This Bill was returned July 8, 1987 by the Governor to the House of Representatives, the Branch in which said bill originated with his objections in writing to the following items therein:-

SECTION 2, Items disapproved

<u>0330-3600</u>	<u>2200-0310</u>	<u>2444-9008</u>
<u>2100-0165</u>	<u>2250-0920</u>	<u>3722-9062</u>
<u>2100-0166</u>	<u>2440-0019</u>	<u>6030-7404</u>
<u>2120-2000</u>	<u>2440-0041</u>	<u>6030-7605</u>
<u>2200-0304</u>	<u>2440-0050</u>	<u>9091-0408</u>

<u>Items</u>	<u>Reduced to</u>	<u>Items</u>	<u>Reduced to</u>
<u>0612-1000</u>	<u>210,183,500</u>	<u>2420-1400</u>	<u>5,858,450</u>
<u>1108-1010</u>	<u>600,000</u>	<u>7061-1000</u>	<u>81,000,000</u>
<u>1108-4300</u>	<u>195,283,500</u>	<u>9091-3000</u>	<u>7,150,000</u>

the following item was reduced by striking the wording and reducing the amount as indicated:

<u>Item</u>	<u>Reduce to</u>	<u>Wording Striken</u>
<u>4001-0000</u>	<u>776,560</u>	<u>" ; and provided further, that one hundred and sixty thousand dollars shall be obligated for a purchase of service training institute"</u>

the following Items are reduced by striking the wording "prior appropriation continued":

<u>0699-7900</u>	<u>2150-0509</u>
<u>2120-1602</u>	<u>2150-0513</u>
<u>2120-1603</u>	<u>2440-0040</u>
<u>2120-1604</u>	<u>2444-9014</u>

**ACTS, 1987. -- Chap. 199.**

Item 0699-7800 prior appropriation continued reduced to an amount not to exceed \$13,946,742.  
Item 0699-9100 prior appropriation continued reduced to an amount not to exceed \$5,000,000.  
Item 4800-0010 disapproved all wording including and following the words "and provided further".  
SECTION 33 reduced by striking the second paragraph.

SECTIONS disapproved

63, 67, 72, 119, 124, 133.

The remainder of the bill was approved by the governor on July 8, 1987.

**Chapter 200. AN ACT RELATIVE TO THE ASSESSMENT OF COUNTY COSTS IN ESSEX COUNTY.**

Be it enacted, etc., as follows:

**SECTION 1.** For the purposes of section twenty A of chapter fifty-nine of the General Laws, Essex county in assessing costs, charges and fees upon the cities and towns of said county for the fiscal year nineteen hundred and eighty-eight shall use the total of all costs, charges and fees assessed for fiscal year nineteen hundred and eighty-seven, notwithstanding the return of certain funds to said cities and towns as voted by advisory board on county expenditures of said county on September twentieth, nineteen hundred and eighty-six.

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

Approved July 9, 1987.

---

**Chapter 201. AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO EXPEND MONEY FOR THE PURPOSE OF INDEMNIFYING POLICE OFFICERS AND FIREFIGHTERS.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of sections nine and nine A of chapter two hundred and fifty-eight of the General Laws or any other general or special law to the contrary, the city of Springfield may indemnify members of the police and fire departments of the city of Springfield, from any personal financial loss and expenses, including legal and professional fees and costs, if any, arising out of any criminal complaint or application therefor or indictment by reason of an act, alleged act, failure to act or alleged failure to act under state or federal law; provided, however, that such indemnification shall be made only if the employee is found not guilty and only if at the time of such alleged criminal violation the employee was in the good faith performance of his duties, from which duties the public received a benefit. No such employee or official shall be indemnified hereunder, if at the time of the act, he was acting in a grossly negligent, willful or malicious manner.

Nothing in this act shall be construed as requiring the city to so indemnify any such employees or officials. Such indemnification shall not be required as a term and condition of employment in any collective bargaining agreement. Payments made under the provisions of this section shall be authorized only when the same has been requested by the mayor and approved by two-thirds of all members of the council.

**SECTION 2.** Section one shall take effect as of January first, nineteen hundred and eighty upon its acceptance by the city of Springfield.

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

Approved July 9, 1987.

---

**Chapter 202. AN ACT AUTHORIZING THE CITY OF GARDNER TO CONVEY TO THE GARDNER HOUSING AUTHORITY CERTAIN RECREATIONAL LAND IN SAID CITY.**

Be it enacted, etc., as follows:

**SECTION 1.** The city of Gardner is hereby authorized to convey to the Gardner Housing Authority for congregate elderly housing purposes all its right, title and interest in certain recreational land in said city bounded and described as follows:

Beginning at the southeasterly corner thereof at land now or formerly of Belzemier Pellitier and at the end of a proposed street known as Upsala Street; thence southwesterly at an included angle of 107° 28' by the end of said proposed street and by land now or formerly of Wilder Industries, Inc., 79.50 feet to a point; thence northerly at an included angle of 73° 10' by land now or formerly of said Wilder Industries, Inc., 191.57 feet to a point; thence easterly at an included angle of 88° 59' by land now or formerly of Eliza Kelly, 77.96 feet to a point; thence southerly at an included angle of 90° 23' by land of Belzemier Pellitier, 167.47 feet to the point of beginning. Said tract of land contains approximately 13835 sq. ft.

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

Approved July 9, 1987.

---

**Chapter 203. AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO SELL AND CONVEY CERTAIN PARK AND RECREATIONAL LAND TO THE SPRINGFIELD HOBBY CLUB, INC.**

Be it enacted, etc., as follows:

**SECTION 1.** The city of Springfield is hereby authorized to sell and convey to the Springfield Hobby Club, Inc., a corporation duly established under the laws of the commonwealth; a certain parcel of park and recreational land in said city to be used to provide social services and housing to the elderly, and bounded and described as follows: Beginning at a point at the intersection of the southerly street line of Roosevelt Avenue and the easterly street line of Blunt Park Road; thence N 42° 44' 30" E along the southerly side of Roosevelt Avenue a distance of 114.27 feet to land now or formerly of Springfield Hobby Club Housing, Inc.; thence S 23° 02' 35" E along said land of Hobby Club

---

**ACTS, 1987. – Chap. 204.**

a distance of 517.90 feet to a point; thence S 42° 22' 20" E continuing along land of said Hobby Club a distance of 22.79 feet to land of City of Springfield -- Park Department; thence S 46° 01' 45" W along land of said Park Department a distance of 43.37 feet to the easterly side of Blunt Park Road; thence N 31° 01' 40" W along the easterly side of Blunt Park Road a distance of 513.00 feet to the point of beginning. The property herein above described is subject to a 20' wide water line easement, the centerline of which is described as follows: Beginning at a point on the easterly side of the herein above described premises, said point being S 23° 02' 35" E a distance of 392.63 feet from a granite bound on the southeasterly side of Roosevelt Avenue; thence, from said beginning point S 48° 14' 28" W a distance of 56.16 feet to the northeasterly sideline of Blunt Park Road. The above described premises contains about thirty-seven thousand one hundred and seventy-five square feet of land more or less, which area includes that portion of said premises which is subject to the aforementioned waterline easement. Said premises and waterline easement is shown on a plan entitled "Plan of Land in Springfield, Massachusetts prepared for the Springfield Hobby Club Housing, Inc. Scale 1" = 40', August 26, 1986, Heritage Surveys Bruce A. Coombs, registered land surveyor, College Highway, Southampton Massachusetts".

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

Approved July 9, 1987.

---

**Chapter 204. AN ACT AUTHORIZING THE TOWN OF WAREHAM TO BORROW A CERTAIN SUM TO SATISFY A JUDGMENT.**

Be it enacted, etc., as follows:

**SECTION 1.** The town of Wareham is hereby authorized, for the purpose of paying a judgment rendered in the case of Fidelity & Deposit Company of Maryland v. Town of Wareham, to appropriate and expend an amount not to exceed one million four hundred and fifty thousand dollars.

**SECTION 2.** For the purpose authorized in section one, the town treasurer of the town of Wareham, with the approval of the board of selectmen, may borrow upon the credit of said town such sums as may be necessary, not exceeding, in the aggregate, one million four hundred and fifty thousand dollars, and may issue bonds or notes of the town therefor, which shall bear on their face the words, Town of Wareham Loan, Act of 1987. The indebtedness incurred under the provisions of this act shall be deemed to be outside the debt limit, as defined in section ten of chapter forty-four of the General Laws. Each 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.

---

**ACTS, 1987. – Chaps. 205, 206, 207.**

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

Approved July 9, 1987.

---

**Chapter 205. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF PLYMOUTH AS THE FREDERICK B. DOUGLASS MEMORIAL BRIDGE.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter twenty-four of the acts of nineteen hundred and eighty-seven is hereby repealed.

**SECTION 2.** The bridge on Bournedale road over state highway Route 25 in the town of Plymouth shall be designated and known as the Sergeant Major Frederick B. Douglass Memorial bridge, in memory of Frederick B. Douglass who was killed on October twenty-third, nineteen hundred and eighty-three while serving in the United States Marine Corps in the bombing of the Marine barracks in the country of Lebanon. A suitable marker bearing such designation shall be attached thereto by the department of public works in compliance with the standards of said department.

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

Approved July 9, 1987.

---

**Chapter 206. AN ACT RELATIVE TO THE STATUS OF TITLE AFTER DISSOLUTION OF A CORPORATION.**

Be it enacted, etc., as follows:

Section 102 of chapter 156B of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "property", in line 9, the words:– to any person.

Approved July 9, 1987.

---

**Chapter 207. AN ACT PROVIDING FOR MEDICAL DEPOSITIONS IN TRIALS BEFORE THE DISTRICT COURT DEPARTMENT OF THE TRIAL COURT OF THE COMMONWEALTH.**

Be it enacted, etc., as follows:

Chapter 233 of the General Laws is hereby amended by inserting after



section 24 the following section:-

Section 24A. At trial of a civil matter in the district court department of the trial court, the justice may order, or, upon the request of a party, authorize the taking of a deposition or the testimony of a medical witness. Said deposition shall be taken for use as medical evidence only, and shall be admissible in whole or in part in a proceeding before said district court department. The expense for stenographic service in connection with the taking of such deposition shall be paid by the party requesting that such witness be deposed, or whose witness is ordered to be deposed; provided, however, that if the judgment entered by the district court justice is in favor of the plaintiff, the cost of such stenographic expense shall be added to such judgment and shall be paid by the insurer, if the defendant has insurance, or by the defendant, if he does not have such insurance.

Approved July 9, 1987.

---

**Chapter 208. AN ACT FURTHER REGULATING INTERLOCUTORY APPEALS TO BE TAKEN FROM ORDERS OF TRIAL COURT JUSTICES IN THE LAND COURT DEPARTMENT.**

Be it enacted, etc., as follows:

**SECTION 1.** The first paragraph of section 118 of chapter 231 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 party aggrieved by an interlocutory order of a trial court justice in the superior court department, the housing court department, the land court department or the probate and family court department may file, within thirty days of the entry of such order, a petition in the appropriate appellate court seeking relief from such order.

**SECTION 2.** The second paragraph of said section 118 of said chapter 231, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- A party aggrieved by an interlocutory order of a trial court justice in the superior court department, the housing court department, the land court department or the probate and family court department, granting, continuing, modifying, refusing or dissolving a preliminary injunction, or refusing to dissolve a preliminary injunction, or a party aggrieved by an interlocutory order of a single justice of the appellate court granting a petition for relief from such an order, may appeal therefrom to the appeals court or, subject to the provisions of section ten of chapter two hundred and eleven A, to the supreme judicial court, which shall affirm, modify, vacate, set aside, reverse the order or remand the cause and direct the entry of such appropriate order as may be just under the circumstances.

Approved July 9, 1987.

**Chapter 209. AN ACT INCREASING LOCKUP FEES.**

Be it enacted, etc., as follows:

Section 36 of chapter 40 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 6, the word "five" and inserting in place thereof the words:- not more than fifty.

Approved July 9, 1987.

---

**Chapter 210. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO SELL AND CONVEY CERTAIN PARK LAND IN THE TOWN OF FRAMINGHAM.**

Be it enacted, etc., as follows:

**SECTION 1.** The division of capital planning and operations, acting for and on behalf of the department of environmental management, is hereby authorized to sell and convey to William H. Pickett and Gertrude Pickett a certain parcel of park land in the town of Framingham by deed approved as to form by the attorney general. Said land being that land twenty-one feet beyond the lot line of said William H. Pickett and Gertrude Pickett. Said conveyance shall be subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws and to such terms and conditions as the division of capital planning and operations shall prescribe in consultation with the department of environmental management.

Said parcel is bounded and described as follows:

Beginning at a iron rod located at land of the Commonwealth of Massachusetts, Department of Environmental Management Division of Forest and Parks and the land of Gertrude Pickett, said point being more particularly located N51° 07' 30"W, 166.62 feet from a stone bound as shown on a hereinafter mentioned plan;

Thence runs N51° 07' 30"W, 10.00 feet by land of the above mentioned Gertrude Pickett to an iron rod;

Thence runs S62° 03' 15"E, 110.76 feet across the land of the above mentioned Commonwealth to an iron rod;

Thence runs S36° 38' 00", 83.92 feet again across the land of the above-mentioned Commonwealth to the point of beginning.

The above described parcel of land contains 1,995 square feet, more or less, and is more fully shown on a plan entitled "Plan of Land in Framingham, Mass. Showing Land To Be Conveyed By The Commonwealth of Massachusetts -- Environmental Management -- Division of Forest and Parks to Gertrude Pickett -- Scale 1" = 20' November 1, 1986 Ronald R. Turchi -- Professional Land Surveyor -- 11 Whippoorwill Land -- Ashland, Mass."

---

**ACTS, 1987. – Chaps. 211, 212.**

**SECTION 2.** William H. Pickett and Gertrude Pickett in payment for said land shall transfer to the commonwealth in fee simple a parcel of land determined by said division and by the department of environmental management to be equivalent to or in excess of the value and importance for conservation purposes of the land granted or if said division in consultation with said department so decides shall pay a fair market value to be determined by an independent appraisal approved by the deputy commissioner of said division. Said William H. Pickett and Gertrude Pickett shall assume the costs of the appraisal and any other expenses deemed necessary by the said deputy commissioner in connection with said transfer.

**SECTION 3.** As a further consideration, and as a requirement prior to said conveyance and authorized by section one, said William H. Pickett and Gertrude Pickett their heirs, or successors or assigns, shall have signed an agreement relinquishing any and all rights they or their heirs, successors, or assigns may be or may have been entitled to for compensation, including any interest accrued thereon, either from the commonwealth or from the town of Framingham for any or all taxes which said William H. Pickett and Gertrude Pickett or their heirs, successors, or assigns in title have paid, if any, from time to time on said parcels.

Approved July 9, 1987.

---

**Chapter 211. AN ACT FURTHER REGULATING THE DISTRIBUTION AND SALE OF DRUG PARAPHERNALIA.**

Be it enacted, etc., as follows:

Section 32I of chapter 94C of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following subsection:-

(c) On any premises where tobacco rolling papers are sold, the person in control of such premises shall cause to be displayed in a prominent place therein a printed warning that such papers shall not be used in conjunction with the possession of a controlled substance the possession of which is punishable by a fine or imprisonment. Whoever violates the provisions of this subsection shall be punished by a fine of not less than fifty nor more than two hundred dollars.

Approved July 9, 1987.

---

**Chapter 212. AN ACT AUTHORIZING THE STATE SECRETARY TO AUTHORIZE THE SOLEMNIZATION OF A CERTAIN MARRIAGE.**

Be it enacted, etc., as follows:

---

**ACTS, 1987. – Chaps. 213, 214, 215.**

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 Richard J. Grahn in the town of Sharon on October tenth, nineteen hundred and eighty-seven between Lisa Scampini of the town of Latham, in the state of New York, and Jay David Namyet of the town of Mamaroneck, in the state of New York, and the state secretary shall issue to said Richard J. Grahn in his capacity as aforesaid a certificate of such authorization.

Approved July 9, 1987.

---

**Chapter 213. AN ACT PERMITTING ABUSE PREVENTION ORDERS TO BE SERVED ON SUNDAY.**

Be it enacted, etc., as follows:

Section 7 of chapter 209A of the General Laws is hereby amended by adding the following paragraph:-

The provisions of section eight of chapter one hundred and thirty-six shall not apply to any order, complaint or summons issued pursuant to this section.

Approved July 9, 1987.

---

**Chapter 214. AN ACT RELATIVE TO THE SPRINGFIELD REGIONAL WASTEWATER TREATMENT FACILITY.**

Be it enacted, etc., as follows:

Chapter 392 of the acts of 1985 is hereby amended by striking out section 7 and inserting in place thereof the following section:-

Section 7. No user shall discharge or cause to be discharged directly or indirectly into the facility any pollutant or wastewater which is not in compliance with all applicable local, state and federal laws required by the Pretreatment Standards of the Clean Water Act of 1977 and the General Pretreatment Regulations as set forth in section 403 et seq. of chapter 40 of the Code of Federal Regulations.

Approved July 9, 1987.

---

**Chapter 215. AN ACT EXEMPTING THE POSITION OF SENIOR CLERK STENO; SECRETARY TO THE SUPERINTENDENT; SENIOR CLERK STENO, SECRETARY TO THE BUSINESS MANAGER AND PRINCIPAL ACCOUNT CLERK IN THE TOWN OF RANDOLPH FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.**

---

**ACTS, 1987. – Chap. 216.**

Be it enacted, etc., as follows:

**SECTION 1.** The position of senior clerk steno, secretary to the superintendent; senior clerk steno, secretary to the business manager; and principal account clerk shall not be subject to 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 any one of said positions in the town of Randolph on the effective date of this act.

Approved July 9, 1987.

---

**Chapter 216. AN ACT ESTABLISHING A DEPARTMENT OF PUBLIC WORKS IN THE TOWN OF WILBRAHAM.**

Be it enacted, etc., as follows:

**SECTION 1.** There shall be established in the town of Wilbraham a department of public works, hereinafter called the department, which shall be under the jurisdiction of the board of selectmen. The department shall have all of the powers and duties now vested in or exercised by any of the following departments, which are hereby renamed divisions and included within the department of public works: highway, sewer, solid waste, engineering and water. No contracts, obligations or liabilities in force on the effective date of this act shall be affected hereby, but the department shall in all respects be the lawful successor of the departments now included as divisions in the department of public works. The tenure of the existing superintendent of streets in that office shall not be affected by this act but this position shall be under the jurisdiction of the director of public works.

**SECTION 2.** The board of selectmen shall appoint a director of public works, whose qualifications, powers and duties shall be determined and prescribed by said board, and who shall be responsible to said board. The director shall have full authority for carrying out the policies of said board and over the operations of the department. The director shall appoint and remove such staff assistants and employees as he deems necessary, subject to available appropriations and with the approval of said board. Such staff may include a supervisor for each division. The director shall hold office subject to the will of said board. Said director shall not be subject to the provisions of section nine A of chapter thirty, or of chapter thirty-one of the General Laws.

**SECTION 3.** The board of selectmen shall be responsible for providing job descriptions for all employees of the department of public works.

---

**ACTS, 1987. – Chaps. 217, 218.**

**SECTION 4.** Upon the effective date of this act, the members of the sewer committee shall be renamed the sewer advisory board, its members to serve at the pleasure of the board of selectmen. There shall be no change in the status of the members of the board of water commissioners who shall continue to be elected.

**SECTION 5.** The board of water commissioners shall retain all of the powers and duties set forth in chapter two hundred and ninety-five of the acts of nineteen hundred and twenty-six, except as modified by the provisions of this act. The hiring and firing of employees, scheduling of work and the use of equipment and the day to day control of the activities of the water department including the authority to pay bills shall be vested to the director of public works. The board of water commissioners shall expressly retain the power to set water rates, appropriate and vote the budget, execute contracts, determine issues relating to the extension or curtailment of water services, water quality, long-term water supply and planning and long-term maintenance of the water system. The preparation of the budget for the water department and the review of the same by the finance committee shall be vested in the director of public works, working in conjunction with the board of water commissioners. The revenues of the water department shall be utilized only for the water department and eminent domain taking shall be made by and in the name of the board of water commissioners.

Approved July 9, 1987.

---

**Chapter 217. AN ACT AUTHORIZING THE TOWN OF SCITUATE TO USE A CERTAIN PARCEL OF RECREATIONAL LAND FOR WATER TREATMENT PLANT PURPOSES.**

Be it enacted, etc., as follows:

The town of Scituate, acting by and through its board of selectmen, is hereby authorized to use a certain parcel of recreational land for water treatment plant purposes. Said land is known as the William H. Clapp playground is identified by the assessors of said town as Parcel 48-1-10 and is shown on a plan on file with the clerk of said town.

Approved July 9, 1987.

---

**Chapter 218. AN ACT AUTHORIZING THE TOWN OF SCITUATE TO INCUR CERTAIN INDEBTEDNESS.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of clause (7) of section seven of chapter forty-four of the General Laws or any other general or special

---

**ACTS, 1987. – Chaps. 219, 220.**

law to the contrary, the town of Scituate is hereby authorized to incur debt within the limit of indebtedness prescribed in section ten of said chapter forty-four for the purpose of undertaking repairs to seawalls and revetments and other foreshore protection measures, such indebtedness to be payable within a period of ten years.

Approved July 9, 1987.

---

**Chapter 219. AN ACT PROVIDING FINES FOR SMOKING IN PUBLIC CONVEYANCES.**

Be it enacted, etc., as follows:

Chapter 272 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out section 43A and inserting in place thereof the following section:-

Section 43A. Whoever, in or upon a railroad carriage, steamboat, bus, except a chartered bus, or other public conveyance, or in a terminal of the Massachusetts Bay Transportation Authority, after being requested by the person in charge of such conveyance or premises not to do so, or by an operator, guard or other employee of the corporation or authority operating the railroad, steamboat, bus, or other public conveyance, smokes, or carries an open flame or lighted match, cigar, cigarette or pipe, shall be punished by imprisonment for not more than ten days or by a fine of not more than one hundred dollars, or both.

Approved July 9, 1987.

---

**Chapter 220. AN ACT INCREASING THE PENALTIES FOR SELLING OF CONTAMINATED SHELLFISH.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 2 of chapter 130 of the General Laws is hereby amended by striking out the third paragraph, as appearing in the 1984 Official Edition, and inserting in place thereof the following paragraph:-

Whoever violates any provision of this chapter shall, unless otherwise provided, be punished by a fine of not less than ten nor more than five thousand dollars, or by imprisonment for not more than one year, or both.

**SECTION 2.** The first paragraph of section 75 of said chapter 130, as so appearing, is hereby amended by inserting after the second sentence the following two sentences:- In order to assure full compliance with said conditions and regulations, the director shall require a bond to be obtained by a master digger in a sum not to exceed one thousand dollars for a master digger whose record includes no prior judicial or administrative convictions related to this chapter; not to exceed

twenty-five hundred dollars for a master digger whose record includes one prior judicial or administrative conviction, related to this chapter; and, not to exceed five thousand dollars for a master digger whose record includes two or more prior judicial or administrative convictions related to this chapter. The director may require forfeiture of all or part of such bond for any violation of said conditions and regulations.

**SECTION 3.** Said section 75 of said chapter 130, as so appearing, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:–

Whoever, without a permit as provided in this section or contrary to the provisions of such permit, digs or takes shellfish for any purpose from any area determined under section seventy-four or section seventy-four A or under corresponding provisions of earlier laws to be contaminated, while such determination is in force, or knowingly transports or causes to be transported or has in his possession shellfish so dug or taken, shall be punished, if the violation occurred between one-half hour before sunrise and one-half hour after the following sunset, by a fine of not less than three hundred nor more than one thousand dollars or three times the value of such shellfish, whichever is greater, or by imprisonment for not more than two years in a jail or house of correction, or both, and if the violation occurred between one-half hour after sunset and one-half hour before the following sunrise, by a fine of not less than five hundred nor more than two thousand dollars, or three times the value of such shellfish, whichever is greater, or by imprisonment for not more than three years in the state prison, or both. Any licensed wholesaler or retailer found in violation of this section shall be punished by a fine of not less than one hundred nor more than ten thousand dollars or by imprisonment for not more than three years, or both. The superior court shall have jurisdiction in equity to enforce this section and the rules and regulations of the director made hereunder and to restrain the violation thereof. In any prosecution for a violation of this section, the possession by a digger, licensed wholesaler or retail dealer, but not by a common carrier, of shellfish taken in apparent violation of this section shall be prima facie evidence of a violation thereof.

**SECTION 4.** The last paragraph of section 80 of said chapter 130, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:– Whoever violates any provision of this section shall be punished by a fine of not less than ten nor more than ten thousand dollars or by imprisonment for not more than three years, or both.

**SECTION 5.** The first paragraph of section 81 of said chapter 130, as so appearing, is hereby amended by inserting after the word "taken", in line 14, the words:– , nor shall any person counterfeit, alter, deface or tamper with any label or tag.



---

**ACTS, 1987. – Chap. 221.**

**SECTION 6.** The second paragraph of said section 81 of said chapter 130, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– Whoever violates any provision of this section shall be punished by a fine of not less than one hundred nor more than ten thousand dollars or by imprisonment for not more than three years, or both.

**SECTION 7.** Section 82 of said chapter 130, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:– Whoever violates any provision of this section or fails or neglects to furnish the required label or tag or furnishes such a label or tag bearing false or misleading information or counterfeits, alters, defaces, or tampers with any label or tag shall be punished by a fine of not less than one hundred nor more than ten thousand dollars or by imprisonment for not more than three years, or both.

Approved July 9, 1987.

---

**Chapter 221. AN ACT ESTABLISHING THE BEVERLY HARBOR MANAGEMENT AUTHORITY.**

Be it enacted, etc., as follows:

**SECTION 1.** There is hereby established in the city of Beverly a Harbor Management Authority, hereinafter referred to as the Authority. The Authority shall consist of eleven persons, nine of whom shall be appointed by the mayor subject to confirmation by the board of aldermen and two of whom shall be members of the board of aldermen appointed by majority vote of said board. Such members shall to the extent possible be versed in the policy and direction of the Beverly harbor. Those members appointed by the mayor shall serve terms as follows: starting on January first, nineteen hundred and eighty-seven four members shall serve for a three year term, three members shall serve for a two year term and two members shall serve for a one year term. Thereafter all such members shall serve for two year terms.

Those members appointed by the board of aldermen shall be appointed annually. Any vacancy occurring shall be filled for the remainder of the unexpired term. The mayor may, subject to confirmation of the board, appoint such nonvoting members as he may determine and for such terms as he may determine. The mayor shall designate one member as chairperson for a term of two years and may reappoint such person as chairperson. The Authority shall elect a vice chairperson and secretary-treasurer for two year terms.

Six members shall constitute a quorum and the affirmative vote of six members shall be necessary for any action taken by vote of the authority. The members shall serve without compensation.

**SECTION 2.** The Authority is hereby authorized and empowered:

(a) To review and comment on all proposed waterfront development projects within the "Waterfront District" zoning district. Comments shall be in written form and forwarded to the appropriate city boards within thirty days of receipt of project applications. The Authority may request drawings, engineering plans or other information from project proponents.

(b) To implement a comprehensive master plan for Beverly harbor to be called the "Beverly Harbor Management Plan". Said plan shall be prepared by the planning department subject to approval by the Authority.

The harbor management plan shall: mandate procedures, controls, and regulations concerning the Federal Channel; establish long-range plans for recreational boating, commercial fishing and water-dependent development projects; confirm the enforcement powers of state and federal authorities; set fees for city-operated facilities; and set fines for violations.

(c) To work with the harbormaster in enforcing the rules and regulations of the Beverly harbor.

(d) To research, publicize and assist in the complementation of rules and regulations of the department of environmental quality engineering promulgated under the provisions of chapter ninety-one of the General Laws and licensing procedures of the Army Corps of Engineers.

(e) To provide for the orderly placement or arrangement of existing and future moorings in the harbor in cooperation with the harbormaster.

(f) To act as liaison between the city of Beverly and the Army Corps of Engineers, division of wetlands and waterways of the department of environmental quality engineering, and the Massachusetts office of coastal zone management; to work directly with the Army Corps of Engineers in determining the future of the federal channel project.

(g) To review and make recommendations on proposed zoning changes for land bordering the Beverly harbor. Such recommendations shall be forwarded in written form to the board of aldermen.

(h) To meet at least once a month.

(i) To make application for, receive and administer grants or subsidized funding from any state and federal agency and to utilize all accepted financial policies to raise revenues for the planning, construction, or financing of any project on the harbor or for the hiring of staff or office and support materials.

(j) To prepare an annual budget. Such budget shall reflect all incoming revenues from harbor related activities and all operating costs.

(k) To expend without further appropriation within the limit of its budget monies received from licensing or permit fees and leasing activities.

(l) To administer the operation of the Public Pier facility and all future public facilities on the Beverly harbor.

**SECTION 3.** The geographic jurisdiction of the Authority is as follows:–

(a) All areas of the tidal zones, not land areas, but only the tidal

---

**ACTS, 1987. – Chap. 222.**

zones known as "Trustlands" by the department of environmental quality engineering, in that part of the city zoned "Waterfront District"; and all other tidal zones where moorings or piers exist;

(b) The Federal Channel, within Beverly harbor, as determined by the Army Corps of Engineers;

(c) All current and future mooring areas within the oceanic boundaries, shown on United States Geographic Survey maps, of the city of Beverly.

**SECTION 4.** The board of aldermen of said city may revoke any and all acts of the Authority by a two-thirds vote taken within thirty days of such act. The Authority shall transmit to the clerk of the board of aldermen the minutes of each meeting within seven days.

**SECTION 5.** The Authority shall at all meetings provide a period of time for public input.

Approved July 9, 1987.

EMERGENCY LETTER: July 9, 1987 @ 2:48 P.M.

---

**Chapter 222. AN ACT MAKING AN APPROPRIATION TO FUND THE COSTS OF NON-UNIT SALARY ADJUSTMENTS AND OTHER EMPLOYEE BENEFITS FOR NON-UNIT CLASSIFIED AND PROFESSIONAL EMPLOYEES OF PUBLIC INSTITUTIONS OF HIGHER EDUCATION.**

Be it enacted, etc., as follows:

**SECTION 1.** To provide for the cost of salary adjustments and other employee economic benefits authorized pursuant to the provisions of paragraph (1) of section forty-six of chapter thirty of the General Laws, clauses (o), (v), (w), (x), (y) and (z) of section five of chapter fifteen A of the General Laws and section four of said chapter fifteen A, the sum set forth in section two of this act is 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.**

Item

1599-3618 For a reserve to meet the cost of certain salary adjustments and other employee economic benefits for all classified employees of a public institution of higher education who are incumbents of positions designated as confi-

dential, all classified employees of a public institution of higher education who are incumbents of positions in classes that are not certified to a collective bargaining unit but where other positions in the same classes are so certified or recognized, all classified employees of a public institution of higher education who are incumbents of positions in classes that are not certified to a collective bargaining unit and where other positions in the same classes are not so certified or recognized, and all incumbents of offices and positions in the professional staffs serving under the governing boards of public institutions of higher education; provided, however, that the commissioner of administration is hereby authorized to transfer from the sums appropriated to other items of appropriation 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-seven where the amounts otherwise available are insufficient for the purpose; provided, further, that the commissioner of administration is further 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 an analysis of all cost items shall be filed with the house and senate committees on ways and means prior to the transfer or item allocation of any amounts necessary to meet the cost of said adjustments and benefits; provided, further, that no transfers shall be made without prior notice to the house and senate committees on ways and means; provided, further, that the secretary of administration and finance shall implement said salary adjustments and benefits within sixty days of the effective date of this act; provided, further, that notwithstanding any other general or special law to the contrary, the board of regents of higher education shall determine the salary adjustments and other benefits for all incumbents of offices and positions in the professional staffs serving under the governing boards of

public institutions of higher education, all classified employees of a public institution of higher education who are incumbents of positions designed as confidential, all classified employees of a public institution of higher education who are incumbents of positions in classes that are not certified to a collective bargaining unit but where other positions in the same classes are so certified or recognized, all classified employees of public institutions of higher education who are incumbents of positions in classes that are not certified to a collective bargaining unit but where other positions in the same classes are not certified or recognized; provided that the salary adjustments for classified employees shall not exceed salary adjustments set forth in the collective bargaining agreement with AFSCME, SEIU, and IBEW; and provided, further, that the salary adjustments for all incumbents of the offices and positions in the professional staffs shall be in accordance with schedules filed by the board of regents of higher education with the commissioner of administration

\$6,603,632

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

Approved July 13, 1987.

---

**Chapter 223. AN ACT MAKING APPROPRIATIONS TO FUND CERTAIN COLLECTIVE BARGAINING COSTS BETWEEN THE COMMONWEALTH AND THE MASSACHUSETTS NURSES ASSOCIATION (UNIT 7).**

Be it enacted, etc., as follows:

**SECTION 1.** To provide for the cost of salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the commonwealth and the Massachusetts Nurses Association (Unit 7) relative to the creation of the new positions of physician specialist and psychiatrist specialist, 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

1599-3635 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 Massachusetts Nurses Association (Unit 7) relative to the creation of the new positions of physician specialist and psychiatrist specialist, 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 otherwise would 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-eight such amounts as are necessary to meet the cost of said adjustments and benefits for the fiscal year nineteen hundred and eighty-eight 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 changesItem 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, 1987. - Chap. 224.**

allocation of any amounts necessary to meet the cost of said adjustments and benefits; provided, further, that no transfers shall be made as authorized herein without prior notification to the house and senate committees on ways and means; provided, further, that the secretary of administration and finance shall implement said salary adjustments and benefits within sixty days of the effective date of this act; and, provided further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-eight

\$399,060

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

Approved July 13, 1987.

---

**Chapter 224. AN ACT MAKING AN APPROPRIATION TO FUND A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE COMMONWEALTH AND THE STATE POLICE ASSOCIATION OF MASSACHUSETTS (UNIT 5A).**

Be it enacted, etc., as follows:

**SECTION 1.** To provide for the cost of salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the commonwealth and the State Police Association of Massachusetts (Unit 5A), 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.**

**Item**

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	\$53,000
1599-3618 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 State Police Association of Massachusetts (Unit 5A), 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 years nineteen hundred and eighty-seven and nineteen hundred and eighty-eight where the amounts otherwise available are insufficient for the purposes such amounts as are necessary to meet the cost of said adjustments and benefits for the fiscal years nineteen hundred and Item eighty-six and nineteen hundred and eighty-seven; 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	



---

**ACTS, 1987. – Chap. 225.**

the cost of said adjustments and benefits; provided, further, that no transfers shall be made as authorized herein without prior notification to the house and senate committees on ways and means; provided, further, that the secretary of administration and finance should implement said salary adjustments and benefits within sixty days of the effective date of this act; and, provided further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-eight

\$9,093,000

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

Approved July 13, 1987.

---

**Chapter 225. AN ACT MAKING APPROPRIATIONS TO FUND CERTAIN COLLECTIVE BARGAINING COSTS.**

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 agreements between the commonwealth and the Massachusetts Organization of State Engineers and Scientists (Unit 9); between the chief administrative justice of the trial court and the Office and Professional Employees International Union, Local 6 (Professional Unit); and for certain salaries and expenses of the supreme judicial court and the appeals court; between the board of regents of higher education and the Service Employees International Union, Local 254, for the professional/technical unit at the university of Lowell; between the regents and the Massachusetts Society of Professors, for the faculty unit at the university of Lowell; between the regents and the Association of Professional Administrators (MTA) for the professional administrative unit at the state colleges; and between the regents and the Massachusetts Teachers Association (NEA) for the faculty unit at the state colleges, 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, the sums so appropriated to be in addition to any amounts available for the purpose.

**SECTION 2.**

**JUDICIARY.**

---

ACTS, 1987. - Chap. 225.

Supreme Judicial Court.

Item

0320-0003 For salaries and expenses of the supreme judicial court \$12,118

Appeals Court.

0322-0002 For salaries and expenses of the appeals court \$17,000

Trial Court.

Collective Bargaining.

0330-0703 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, Local 6 (Professional 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, however, that the chief administrative justice shall determine such salary adjustments and other economic benefits for "confidential" employees in accordance with the agreement then in effect which would otherwise cover said positions; provided, further that said chief administrative justice is hereby Item authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for the fiscal years nineteen hundred and eighty-seven and nineteen hundred and eighty-eight 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 the secretary of administration and finance is authorized to allocate the cost of such salary adjustments and benefits to the several state or other

---

**ACTS, 1987. - Chap. 225.**

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; provided further, that no transfers shall be made as authorized herein without prior notification to the house and senate committees on ways and means; provided, further, that the secretary of administration and finance should implement said salary adjustments and benefits within sixty days of the effective date of this act; and provided, further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-eight

\$121,221

**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 \$125,000
- 1105-3611 For the purpose of meeting the commonwealth's obligations pursuant to the provisions of articles thirteen C, nineteen, and twenty-four A of the collective bargaining agreement between the commonwealth and the Massachusetts Organization of State Engineers and Scientists - Unit 9 \$207,702
- 1599-3631 For a reserve to meet the cost of salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the board of

regents of higher education and the Item Service Employees International Union, Local 254, for the professional/technical unit at the university of Lowell; provided, however, 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 years nineteen hundred and eighty-seven and nineteen hundred and eighty-eight such amounts as are necessary to meet the cost 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 allocation of any amounts necessary to meet the cost of said adjustments and benefits; provided, further, that no transfers shall be made as authorized herein without the prior notification to the house and senate committees on ways and means; provided, further, that the secretary of administration and finance should implement said salary adjustments and benefits within sixty days of the effective date of this act; and provided, further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-eight

\$295,192

1599-3632 For

a reserve to meet the cost of salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the board of regents of higher education and the Massachusetts Society of Professors for the faculty unit at the university of Lowell; provided, however, that the secretary of ad-

ministration and finance is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for the fiscal years nineteen hundred and eighty-seven and nineteen hundred and eighty-eight such amounts as are necessary to meet the cost 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 Item 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; provided further, that no transfers shall be made as authorized herein without the prior notification to the house and senate committees on ways and means; provided, further, that the secretary of administration and finance should implement said salary adjustments and benefits within sixty days of the effective date of this act; and provided, further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-eight

\$1,633,632

1599-3633 For

a reserve to meet the cost of salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the board of regents of higher education and the Association of Professional Administrators (MTA) for the professional administrative unit at the state colleges; provided, however, 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 years nineteen hundred and eighty-seven and nineteen hundred and eighty-eight such amounts as are necessary to meet the cost 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 allocation of any amounts necessary to meet the cost of said adjustments and benefits; provided, further, that no transfers shall be made as authorized herein without the prior notification to the house and senate committees on ways and means; provided, further, that the secretary of administration and finance should implement said salary adjustments and benefits within sixty days of the effective date of this act; and provided, further, that Item this appropriation shall expire June thirtieth, nineteen hundred and eighty-eight

\$752,982

1599-3634 For

a reserve to meet the cost of salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the board of regents and the Massachusetts Teachers Association (NEA) for the faculty unit at the state colleges; provided, however, 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 years nineteen hundred and eighty-seven and nineteen hundred and eighty-eight such amounts as are necessary to meet the cost 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 allocation of any amounts necessary to meet the cost of said adjustments and benefits; provided, further, that no transfers shall be made as authorized herein without the prior notification to the house and senate committees on ways and means; provided, further, that the secretary of administration and finance should implement said salary adjustments and benefits within sixty days of the effective date of this act; and provided, further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-eight \$4,645,865

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

Approved July 13, 1987.

---

**Chapter 226. AN ACT TO INCREASE THE PRODUCTION OF HOUSING FOR FAMILIES AND PERSONS OF LOW AND MODERATE INCOME.**

Be it enacted, etc., as follows:

**SECTION 1.** Declaration of Housing Emergency. It is hereby declared that there currently exists in many cities and towns in the Commonwealth a severe shortage of affordable, safe, and sanitary housing for persons and families of low and moderate income. It is hereby further declared that the federal government has greatly reduced the resources available for housing for low and moderate income persons and that the amount of monies currently available for such housing falls short of what is necessary to continue to produce and maintain such housing in quantities necessary to alleviate present shortages. It is further found and declared that the rapid escalation of housing costs in

the Commonwealth has placed affordable rentals out of reach of low and moderate income families. It is therefore found and declared that the authorities and powers conferred under this chapter and the expenditure of public monies pursuant thereto constitutes a serving of a valid and important public purpose.

**SECTION 2.** To provide for a program of studies, preparation of plans, construction, reconstruction, renovation, alteration and improvement, including, but not limited to, development of additional state-assisted housing units, as well as modernization of existing state-assisted and certain federally-assisted housing units, and for the purchase of certain property, including, but not limited to, site acquisition and development, and for various programs increasing the housing stock available within the commonwealth, the sums set forth in section three 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 3.**

**Item**

- |               |  |               |
|---------------|--|---------------|
| 3722-8871 For | state financial assistance in the form of a grant by the commonwealth acting by and through the department of community affairs; provided, however, that said department may enter into a contract or contracts with a housing authority for the development costs of a housing project or projects for families of low income pursuant to the provisions of section thirty-four of chapter one hundred and twenty-one B of the General Laws   | \$100,000,000 |
| 3722-8872 For | state financial assistance in the form of a grant by the commonwealth acting by and through the department of community affairs; provided, however, that said department may enter into a contract or contracts with a housing authority for the development costs of a housing project or projects for elderly persons of low income pursuant to the provisions of section forty-one of chapter one hundred and twenty-one B of the General Laws; provided further, that in awarding a contract or contracts from the sum appropriated herein said department shall give first priority to projects which include one or more units of congregate housing | \$66,600,000  |



- 3722-8873 For state financial assistance in the form of a grant by the commonwealth acting by and through the department of community affairs; provided, however, that said department may enter into a contract or contracts with a housing authority for the development costs of a housing project or projects for handicapped persons of low income or families of low income of which one or more persons is handicapped pursuant to the provisions of section forty-one A of chapter one hundred and twenty-one B of the General Laws; provided further, that from the sum appropriated herein, amounts may be expended for transitional housing, including but not limited to transitional housing for the homeless, battered women's shelters and mutual housing \$22,000,000
- 3722-8874 For state financial assistance in the form of a grant by the commonwealth acting by and through the department of community affairs and for associated costs related thereto; provided, however, that said department may enter into a contract or contracts with a housing authority for projects undertaken pursuant to clause (j) of section twenty-six of chapter one hundred and twenty-one B of the General Laws; provided, however, that any project awarded funds for renovation, remodeling or reconstruction from the sums appropriated herein shall include in the plans for such project, plans for the removal, containment or encapsulation of asbestos found in units, common areas or infrastructure and also for deleading units and common areas, as necessary to remove the hazards posed by asbestos and lead paint; provided further, that from the sum appropriated herein not more than one million dollars may be expended for the construction of day care facilities or the rehabilitation or renovation of existing space for the purpose of day care facilities not to include associated services and that each day care facility project awarded funds appropriated under this paragraph shall specify in the plans for said project the cost of associated services and the manner in which such services will be provided; provided further, that such funds

---

ACTS, 1987. - Chap. 226.

may be awarded for the purpose of adapting units for families and persons with disabilities; provided further, that the department shall give first priority in awarding said grants to fully fund the renovations, remodeling and reconstruction of the Lakeview Manor Housing Project in Weymouth \$95,000,000

3722-8875 For state financial assistance in the form of a grant by the commonwealth acting by and through the department of community affairs and for associated costs related thereto, provided however, that said department may enter into a contract or contracts with a housing authority for a continued demonstration program to undertake projects for renovation, remodeling, reconstruction, repair, landscaping, reasonable adaptations for persons or persons with families that have disabilities, and improvement of any federally assisted low-rent housing project, or part thereof, owned by a housing authority; provided further, that the department shall first have found (1) that such low-rent housing is seriously distressed and will continue to remain distressed unless the funds provided herein are available to the projects; (2) that any funds provided herein will be in addition to and not in lieu of any federal funds available for said housing and in addition to monies provided in Chapter 748 Section 6 of the Acts of 1985; (3) that significant effort has been made to obtain federal and local funding for the project and that the funds provided herein shall be used to leverage additional federal funding for the project, and (4) that any such project shall be undertaken in accordance with plans approved by the department; provided, however, that any project awarded funds for renovation, remodeling or reconstruction from the sums appropriated herein shall include in the plans for said project, plans for the removal, containment, or encapsulation of asbestos found in units, common areas or infrastructure and plans for deleading units and common areas, as necessary to remove the hazards posed by asbestos and lead paint; provided further, that from the sum appro-

priated herein not more than one million dollars may be expended for the construction of day care facilities or the rehabilitation or renovation of existing space for the purpose of day care facilities, not to include associated services; provided further, that each day care facility project awarded funds appropriated under this paragraph shall specify in the plans for said project the cost of associated services and the manner in which such services will be provided to the day care facility; provided, however, that in awarding a contract or contracts from the sum appropriated herein, other than contracts for day care facilities, the department shall give first priority to projects to renovate, remodel, reconstruct, repair or otherwise improve housing units which are unoccupied, provided however, that a reasonable sum shall be expended on housing units which are in jeopardy of becoming unoccupied units due to the condition of the unit or major items or structural systems in the building within which the unit is contained, and that the department shall develop and report to the house and senate committees on ways and means a plan for allocating expenditures between unoccupied and occupied units; provided further, that prior to receipt by a housing authority of any funds, provided herein, the housing authority shall develop a management program which will identify steps to be taken on a regular basis to maintain the project in an acceptable condition and which identifies a program to maintain building systems. Nothing herein shall preclude the department from entering into a contract or contracts with a housing authority for projects for modernization and rehabilitation of major items and structural systems within occupied units or the buildings in which such units are contained \$50,000,000

3722-8876 For state financial assistance in the form of a loan or grant by the commonwealth acting by and through the department of community affairs and for associated costs related thereto; provided however, that said department may enter into a contract or contracts with a housing authority for projects pursuant

to clause (k) of section twenty-six of chapter one hundred and twenty-one B of the General Laws, or for projects involving disposition of federally assisted low-rent housing owned by such housing authorities which meet the requirements of said clause (k) except for paragraph (5) of said clause; and provided further, that a housing authority shall have the power to enter into projects involving the disposition of federally assisted low rent housing owned by such housing authorities which meet the requirements of said clause (k) except for paragraph (5) of said clause; and, provided further, that notwithstanding the provisions of any other law, for projects involving disposition of federally-assisted low rent housing, where a developer is or has been chosen pursuant to applicable federal statutes and regulations, a loan or grant authorized herein or pursuant to section six of chapter five hundred and seventy-four of the acts of nineteen hundred and eighty-three may be utilized for any development costs necessary to undertake and complete such projects

\$15,000,000

3722-8878 For

state financial assistance in the form of a loan by the commonwealth acting by and through the department of community affairs, hereinafter the department; provided, however, that the department shall administer a pilot loan program to be designated as the Rental Housing Development Action Loan program for the purpose of providing loans to facilitate the creation and retention of rental housing for low and moderate income families; provided further, that said housing is to be located in areas which are blighted and open, decadent or substandard, as defined in section one of chapter one hundred and twenty-one B of the General Laws. The department may, subject to appropriation for such purpose, enter into contracts with housing authorities, local governments, and nonprofit agencies to provide loans for equity financing, projects subsidies, credit enhancements, interest write-downs, or any combination thereof, or to provide infrastructure or site acquisition necessary to support low-income rental housing projects, and limited

equity co-operative housing; provided further, that in making loans pursuant to this paragraph the department shall give priority to the following: (a) projects in areas with the greatest need for housing for low-income families; (b) projects containing the highest percentage of housing units for low-income families, and (c) projects containing the maximum number of units with three or more bedrooms. No project shall be eligible for contract support under this paragraph unless a minimum of twenty-five per cent of the units therein are reserved for families with incomes no higher at the time of occupancy than eighty per cent of the median income of all families residing within the affected area. Rentals, including heat and utilities, for families with incomes at or below eighty per cent of the area median and residing in said reserved units, shall not exceed thirty per cent of the income of the household. Each such contract for support shall provide for single or periodic disbursement of loan proceeds in such amounts as the department determines appropriate, for a period not to exceed fifteen years. No funds appropriated pursuant to this paragraph shall be used for any purpose other than the creation and retention of rental housing for low and moderate income families. Any loan made pursuant to this paragraph shall be secured by a lien on real or personal property, or both, satisfactorily to the department. Such loans shall be on terms and conditions as the department may require, including, but not limited to, such interest rate as may be set by the department. All funds loaned pursuant to the paragraph or any program established hereunder shall be repaid to the department or its designee, and all such funds shall thereafter be used by the department to effectuate the purpose of this paragraph. As a condition precedent to entering into any contracts financed pursuant to this paragraph, the department shall make a determination for each low-income rental housing project that (a) such contract for assistance is necessary to achieve a fiscally sound project and (b) alternative sources of funding

have been exhausted or are inappropriate; provided however, that the department may, pursuant to said determination, allocate funds appropriated for the state rental assistance program to eligible units within projects financed pursuant to this paragraph. In the event of the sale of a housing development financed in part by funds loaned pursuant to this paragraph, the unpaid balance of any loan, with interest, shall be payable immediately to the department, or its designee; provided further, that in any project receiving funds from the sum appropriated herein, the percentage of units reserved for families meeting the income guidelines specified herein, shall not be reduced to less than twenty-five per cent of the units in said project, at any time prior to the expiration of a period of fifteen years from the date on which the first such reserved unit is occupied or ten years following the date of the final loan disbursement made pursuant to this program, whichever is longer. The department is hereby authorized, subject to appropriation, to enter into contracts pursuant to this item with aggregate annual payment obligations not to exceed ten million dollars. The department shall establish such rules and regulations as are necessary to carry out the provisions of this item, including but not limited to criteria for selection and approval of projects, under such terms and conditions as the department deems appropriate, as well as provisions requiring for each project a written agreement to be recorded in such place and manner as appropriate for recording a mortgage and such agreement shall contain the above limitations governing the percentage of reserve units so that such limitations shall become covenants running with the land and shall bind any successors and assigns.

3722-8879 For state financial assistance in the form of a grant or loan by the commonwealth acting by and through the department of community affairs; provided, however, that said department shall administer a Housing Innovations Fund program for the purpose of facilitating

the creation of alternative forms of housing for low income persons and families. Said forms of housing shall include but not be limited to: transitional housing for the homeless, single room occupancies, battered women's shelters, mutual housing and limited equity cooperatives; provided however, that from the sum appropriated herein not more than one million dollars may be expended for the construction, acquisition, purchase, renovation or leasing of property for use as veterans' congregate housing. Grants or loans shall be provided to housing authorities, community development corporations, or limited equity cooperative housing corporations established pursuant to chapter one hundred and fifty-seven B of the General Laws, provided, however, that said grantees may enter into development subcontracts to carry out the purpose of such grant or loan only with nonprofit organizations established pursuant to chapter one hundred and eighty of the General Laws

\$30,000,000

3722-9871 For state financial assistance in the form of a revolving loan by the commonwealth acting by and through the department of community affairs; provided, however, that said department may enter into a contract or contracts for a program for the deleading of state and federally-assisted residential rental units in the rental assistance programs known as section 707 and section 8; provided further, that prior to the awarding of the funds provided herein said department shall promulgate regulations relative to the provisions of this paragraph including but not limited to the following requirements: (1) that the units deleaded contain two or more bedrooms, (2) that only families with children six years of age or under at the time of initial occupancy shall occupy the deleaded units while rents for said units are subsidized under the section 707 or section 8 programs, (3) that rentals for deleaded units shall remain subsidized under the section 8 or section 707 programs for a period of no less than five years following the completion of deleading, (4) that property owners must demonstrate a serious financial need for the

---

**ACTS, 1987. – Chap. 226.**

funds provided herein in order to qualify for said funds in accordance with income criteria to be established by said department provided further that the department is hereby authorized, subject to appropriation, to enter into contracts pursuant to this section with aggregate annual obligations not to exceed one million dollars \$1,000,000

**SECTION 4.** To meet the expenditures necessary in carrying out the provisions of items 3722-8871 through 3722-8876 inclusive, and 3722-9871, the state treasurer shall, upon 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 three hundred and forty-nine million six hundred thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Public Housing Loan, Act of 1987, 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 three 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 twelve. Bonds and interest thereon under the authority of this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

**SECTION 5.** To meet the expenditures necessary in carrying out the provisions of item 3722-8879, 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 million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Housing Innovative Trust, Act of 1987, 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 three 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 twelve. Bonds and interest thereon under the authority of this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

**SECTION 6.** 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 items 3722-8871, 3722-8872, 3722-8873, 3722-8874, 3722-8875, 3722-8876, 3722-8879, and 3722-9871 inclusive, 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 three 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, two thousand and two. 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 7.** Section 20 of chapter 789 of the acts of 1981, as most recently amended by section 42 of chapter 723 of the acts of 1983, is hereby amended by adding the following after the second paragraph:- "Notwithstanding any general or special law to the contrary, with respect to any grants funded by the department of community affairs after January 1, 1987 pursuant to the authority of this section: (i) rentals to be paid by tenants of the property subject to such grant shall be determined solely pursuant to section 8 of the United States Housing Act of 1937, as amended, and rules and regulations thereunder, as long as payments are being made with respect to such property pursuant to said section 8; (ii) any such property may be conveyed to a nonprofit organization or resident cooperative or otherwise conveyed by the housing authority, if such conveyance is a condition imposed by the United States Department of Housing and Urban Development for receipt of the property by the authority or for commitment of subsidy pursuant to said section 8; and (iii) the department may make expenditures pursuant to such clause to provide the development cost of ancillary commercial space."

**SECTION 8.** Notwithstanding the provisions of any general or special law to the contrary, housing authorities shall make maximum effort consistent with regulations promulgated by the department of community affairs and consistent with emergency case plans adopted pursuant thereto to make housing units developed with funding provided in section three available for homeless families of low income and receiving benefits pursuant to chapter one hundred and eighteen of the General Laws, in areas where the department determines that such a need exists.

**SECTION 9.** The Executive Office of Communities and Development is hereby authorized to administer a Homeownership Opportunity Program to develop homeownership opportunities for moderate income persons and families; provided that, for the purpose of this section the term moderate income shall be as defined in section twenty-five of chapter twenty-three B of the General Laws; provided further that projects funded pursuant to this section shall be for new construction, rehabilitation of abandoned structures, conversion of non-housing structures to housing use; or co-operatives or other forms of tenant purchase; provided further that such program shall include the following:

(a) write-down of interest rates for first-time home buyers, provided that the Executive Office of Communities and Development shall establish regulations prior to the expenditures of any funds for this

purpose to ensure to the maximum extent feasible that the initial ratio of sales price to appraised value will be maintained in all subsequent sales and that when any home purchases pursuant to this section is resold in less than five years the amount of the interest rate write-down provided through this program shall be repaid to the Massachusetts Housing Partnership Fund;

(b) front-end loans for pre-construction costs, including site planning and land acquisition;

(c) technical assistance to facilitate homeownership;

(d) and innovative approaches to design and financing for homeownership, including co-operatives.

Notwithstanding the provision of section twenty-six and twenty-seven of chapter twenty-nine of the General Laws, in so far as such provisions are related to the contracting powers of a state agency, the Executive Office of Communities and Development is hereby authorized to enter into contracts and provide loans in an amount not to exceed fifteen million dollars in the aggregate for the purpose of implementing this section.

**SECTION 10.** The secretary of communities and development may establish a special unit to be assigned exclusively to expedite the planning, design and construction of projects funded by section three of this act. The secretary may, in accordance with a schedule approved by the commissioner of administration and finance, temporarily hire additional employees or consultants and assign any employee of the department to the special unit as may be required for the supervision of said projects; provided, that the salaries and administrative expenses of the special unit shall be paid from funds made available by this act, in an amount not to exceed three-tenths of one per cent annually of the total appropriation in this act, as a part of the cost of development and construction of said projects.

**SECTION 11.** The Executive Office of Communities and Development shall promulgate regulations pursuant to the Rental Housing Development Action Loan Program and the Housing Innovations Fund Program established under section three of this act. Any regulation, amendment thereto or repeal thereof, issued under the provisions of this section shall, prior to compliance with chapter thirty A of the General Laws, be submitted to the general court and the general court shall have sixty days for review and comment. Any such regulations filed with the general court shall require contracts authorized pursuant to said regulations to include adequate enforcement provisions to ensure that low-income units are set aside in accordance with the terms of such contracts. Such regulations shall be accompanied by a summary of the regulations in terms which are understandable to a lay person.

**SECTION 12.** The executive office of communities and development shall submit to the house and senate committees on ways and means and the joint committee on housing and urban development on or before

---

**ACTS, 1987. - Chap. 227.**

December 31, 1987, a study of the projected total supply and demand for housing in the commonwealth for a period of five years beginning from the effective date of this act. Said study shall include but not be limited to the following data: annual projections of the number of both publicly and privately owned housing units statewide, categorized by the various types of housing units, the number and type of both publicly and privately owned units converted to condominiums; housing vacancy rates by city or town; the average rent of the various types of housing units by city or town; annual projections of the demand for housing units in the commonwealth, including low income units for elderly families, handicapped persons and families of which one or more person is handicapped, and persons with special needs such as adolescents, battered spouses, veterans and substance abusers; and an analysis of the cost per unit of constructing state-assisted housing for families, the elderly, and the handicapped since 1981, including an identification of those units or buildings constructed since 1981 which have required subsequent repairs or rehabilitation. Said study shall further investigate methods and procedures necessary to shorten the time frame from initial award letter to actual unit occupancy. The study shall be conducted in cooperation with and in consultation with the joint committee on housing and urban development. The executive office of communities and development shall further submit to the house and senate committees on ways and means and to the joint committee on housing and urban development a progress report on the funding cycle after each award round.

**SECTION 13.** All of the amounts appropriated under the provisions of this act, except for the amount authorized for item 3722-8879 of section three of this act, shall be in addition to any amounts previously authorized prior to the passage of this act.

Approved July 14, 1987.

EMERGENCY LETTER: July 14, 1987 @ 12:29 P.M.

---

**Chapter 227. AN ACT PROVIDING THAT CERTAIN EMPLOYEES OF THE DEPARTMENT OF PUBLIC WORKS SHALL BE ELIGIBLE TO TAKE CERTAIN CIVIL SERVICE EXAMINATIONS.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide certain employees of the department of public works with eligibility for certain civil service examinations, 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 other provision of law to the

---

**ACTS, 1987. - Chap. 228.**

contrary, any employee of the department of public works who took the civil service examination for highway repair foreman, Announcement No. 9325 or the civil service examination for bridge repair foreman, Announcement No. 1045 who would have been eligible to take such examination or such examinations if the examination had been held under the provisions of section thirty of chapter thirty-one of the General Laws, is hereby declared to have been eligible to take such examination which such employee took.

**SECTION 2.** In the case of any such employee who took both said examination for bridge repair foreman, Announcement No. 1045 administered on October twenty-six, nineteen hundred and eighty-six and the civil service examination for bridge repair foreman, Announcement No. 1764 administered on February twenty-first, nineteen hundred and eighty-seven, the personnel administrator shall certify such person for appointment according to the higher of the two grade scores received in said examinations, subject to the provisions of section twenty-six of chapter thirty-one of the General Laws.

Approved July 14, 1987.

---

**Chapter 228. AN ACT AUTHORIZING THE MASSACHUSETTS FIRE TRAINING ACADEMY TO RECRUIT WILLIAM HOLLICK FOR THE POSITION OF DEPUTY DIRECTOR OF FIRE TRAINING AT SAID ACADEMY.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the Massachusetts fire training academy to recruit William Hollick for the position of deputy director of fire training, 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 forty-six of chapter thirty of the General Laws or any other general or special law to the contrary, the Massachusetts fire training academy within the executive office of public safety, is hereby authorized to recruit William Hollick, fire chief of the fire department of the town of Hudson, for the position of deputy director of fire training for said division of occupational education, bureau of fire training in said fire training academy, at a salary schedule commensurate with the practices of recruitment and in consideration of William Hollick's creditable experience.

Approved July 14, 1987.

---

ACTS, 1987. - Chap. 229.

**Chapter 229. AN ACT RELATIVE TO LOCAL REAL ESTATE TAXES.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for a change in the process of overriding property tax levy limits by the voters of cities and towns, 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 21C of chapter 59 of the General Laws is hereby amended by striking out paragraph (g), as appearing in the 1984 Official Edition, and inserting in place thereof the following:-

(g) The local appropriating authority of any city or town which is subject to the provisions of paragraph (f) may, by majority vote, seek voter approval to assess taxes in excess of amount allowed pursuant to said paragraph (f) by a specified amount.

Any question submitted to the voters 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 \_\_\_\_\_"

Said question shall be deemed approved if a majority of the persons voting thereon shall vote "yes".

**SECTION 2.** Section 21C of chapter 59 of the General Laws is hereby amended by striking out the first sentence of paragraph (h), as appearing in the 1984 Official Edition, and inserting in place thereof the following paragraph:-

(h) In a city or town, if a majority of the local appropriating authority or the people by local initiative procedure shall so require, there shall be a special election called in order to submit a question to the voters as to whether said city or town should be required to assess taxes by a specified amount below that amount allowed pursuant to this section.

**SECTION 2A.** If, prior to the effective date of this act, a question has been approved for submission to the voters at an election to be held on or after the effective date thereof, such question shall be approved if a majority of the persons voting thereon shall vote yes, provided, however, that the question was submitted as required by the provisions of section twenty-one C of chapter fifty-nine of the General Laws.

Approved July 14, 1987.

**Chapter 230. AN ACT PERMITTING A COUNTY CHARTER STUDY COMMISSION TO RECOMMEND THE ABOLITION OF ITS COUNTY GOVERNMENT.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately advise county charter study commissions that they may recommend the abolition of county government, 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.** Subsection (A) of section 12 of chapter 34A of the General Laws, as appearing in chapter 807 of the acts of 1985, is hereby amended by inserting after the word "unchanged", in line 9, the words: - ; or (iv) That any or any combination of the following changes be made: (a) that the present form of county government be abolished and which, if any, county agencies or operations should be placed under another state, local or regional governmental system; or (b) that part of the present form of county government be abolished and which, if any, county agencies or operations should remain as part of county government and which should be abolished, changed or placed under another governmental system; or (c) that all or some of the county agencies or operations be taken over by the state or allowed to exist as part of a regional system.

**SECTION 2.** Section 13 of said chapter 34A, as so appearing, is hereby amended by adding the following subsection:-

(C) If the charter commission shall have proposed any recommendations pursuant to clause (iv) of the first paragraph of subsection (A) of section twelve, it shall be the duty of the commission to petition the legislature forthwith for a special law or laws pursuant to the state constitution and in the manner provided by general enabling legislation thereunder, to carry out such recommendations of the charter commission, provided, that upon enactment of such enabling legislation, the legislation implementing such recommendations shall be submitted to the voters of the petitioning county for adoption in a manner provided in said subsection (A) or as may otherwise be appropriate. No such legislation shall become effective until approved by a majority of all votes cast on the question of adoption.

Approved July 14, 1987.

---

**Chapter 231. AN ACT AUTHORIZING THE CITY OF HAVERHILL TO BORROW MONEY FOR CERTAIN MUNICIPAL PURPOSES.**

Be it enacted, etc., as follows:

---

**ACTS, 1987. – Chap. 232.**

**SECTION 1.** Section 1 of chapter 569 of the acts of 1985 is hereby amended by inserting after the fourth sentence the following sentence:- For each issue the amounts of principal and interest payable in each year shall be determined in accordance with said chapter four hundred and fifty-one beginning with the earliest stated principal maturity date for any of the bonds being refunded.

**SECTION 2.** Section 4 of said chapter 569 is hereby amended by striking out the last sentence and inserting in place thereof the following three sentences:- Any surplus in the Hale Hospital Fund Balance account at the close of a fiscal year shall first be used to reimburse the city for any funds it may have provided in accordance with this section for the purpose of eliminating any deficit for any prior fiscal year. In the case of funds so provided that were borrowed by the city under section four A, the city shall be reimbursed for both principal and interest on the borrowed money. Any surplus remaining after the city has received full reimbursement shall be retained in the account and, subject to appropriation in accordance with chapter forty-four of the General Laws, shall be used for the operation and maintenance of and the provision of capital equipment and plant for said hospital.

**SECTION 3.** Said chapter 569 is hereby further amended by inserting after section 4 the following section:-

**Section 4A.** The city may borrow such sums of money as may be deemed necessary by the city auditor to provide funds to meet any current hospital operating deficits, provided that the aggregate amount of the borrowing shall not exceed four million dollars. Each authorized issue of bonds or notes shall constitute a separate loan and each such loan shall be payable within ten years from its date. Indebtedness incurred under this section shall not be included in determining the limit of indebtedness of the city under section ten of chapter forty-four of the General Laws but, except as provided herein, shall otherwise be subject to the provisions of said chapter forty-four.

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

Approved July 14, 1987.

---

**Chapter 232. AN ACT PROVIDING FURTHER RELIEF FROM THE IMPACT OF REVALUATION FOR THE CITIZENS OF WORCESTER.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of section four of chapter seventy-three of the acts of nineteen hundred and eighty-six, or any other general or special law to the contrary, the city of Worcester is hereby authorized to abate taxes in the full amount of the additional

---

**ACTS, 1987. – Chap. 233.**

exemptions provided for in said section four even if this results in the taxpayer paying less than the taxes paid in a preceding fiscal year; 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 value 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.

**SECTION 2.** This act shall apply to the fiscal year beginning on or after July first, nineteen hundred and eighty-seven and for every subsequent year; provided, however, that the city of Worcester is certified by the commissioner of revenue to be assessing all property at full and fair market value; and provided, further, that the city of Worcester determines by vote of the city council to grant the additional exemption as provided in section four of chapter seventy-three of the acts of nineteen hundred and eighty-six.

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

Approved July 14, 1987.

---

**Chapter 233. AN ACT RELATIVE TO THE MASSACHUSETTS CRIME INSURANCE PROGRAM.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate the Massachusetts Crime Insurance Program, 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 175 of the General Laws is hereby amended by inserting after section 102D the following section:–

Section 102E. Any insurance companies authorized to transact business under clause Twelfth of section forty-seven and notifying the commissioner of their participation in a plan approved by the commissioner to succeed the Federal Crime Insurance Program established pursuant to Title VI of the Housing and Urban Development Act of 1970 may join together in a pool or otherwise to provide insurance and issue a policy of insurance for the risks described in said clause Twelfth of said section forty-seven, and in connection therewith shall use the service of a facility or association approved under chapter one hundred and seventy-five C. Any such policy shall be issued in the name of the Massachusetts Crime Insurance Program by such facility or association and any notice, sworn statement or proof of loss which may be required by the provisions of said policy shall be rendered, made or given to said facility or association and such notice, sworn statement or proof of loss so rendered, made or given shall be valid and binding as to



---

**ACTS, 1987. - Chaps. 234, 235.**

all participating insurers. In any action or suit under the policy, service of process shall be made on such facility or association and such service shall be deemed valid and binding service upon all participating insurers.

Policies issued by any mutual company under the authority of this section need not conform to the requirements of sections seventy-six, eighty and eighty-one applicable to other policies issued by such companies.

Approved July 14, 1987.

---

**Chapter 234. AN ACT RELATIVE TO MEETINGS OF THE MASSACHUSETTS CREDIT UNION SHARE INSURANCE CORPORATION.**

Be it enacted, etc., as follows:

Section 5 of chapter 294 of the acts of 1961, as appearing in section 1 of chapter 306 of the acts of 1973, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The annual meeting of the corporation shall be held in the commonwealth within sixty days after the close of the corporation's fiscal year and shall be called by the clerk at a time and place to be designated by the directors. Special meetings of the corporation may be called by a majority of the members of the board of directors or at the request of the commissioner. Such request shall be signed by said directors, shall state the proposed purposes and proposed date of the meeting, and shall be given to the clerk of the corporation at least forty-five days before the proposed date of the meeting. The call for such meeting shall state the time, place and purpose or purposes thereof and shall be mailed to each regular member and excess member at its place of business at least thirty days before the date of the meeting. If any of the purposes of the meeting are to adopt an amendment to the by-laws such request and the call for the meeting shall contain notice of the proposed amendment and a copy thereof.

Approved July 14, 1987.

---

**Chapter 235. AN ACT INCREASING THE TIME IN WHICH THE MONTHLY REPORT AND JURAT ARE DUE.**

Be it enacted, etc., as follows:

Section 6 of chapter 115 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 10, the words "the first ten days of the month" and inserting in place thereof the words:- thirty days.

Approved July 14, 1987.

---

**ACTS, 1987. – Chaps. 236, 237.**

**Chapter 236. AN ACT PROVIDING FOR THE EXPENDITURE OF  
DEFAULT FUNDS BY MUNICIPAL PLANNING BOARDS.**

Be it enacted, etc., as follows:

Section 81U of chapter 41 of the General Laws is hereby amended by inserting after the penultimate paragraph the following paragraph:–

In any town which accepts the provisions of this paragraph, the proceeds of any such bond or deposit shall be made available to the town for expenditure to meet the cost and expenses of the municipality in completing the work as specified in the approved plan. If such proceeds do not exceed twenty-five thousand dollars, the expenditure may be made without specific appropriation under section fifty-three of chapter forty-four; provided, however, that such expenditure is approved by the board of selectmen. The provisions of this paragraph shall not apply to cities or to towns having town councils.

Approved July 14, 1987.

---

**Chapter 237. AN ACT RELATIVE TO THE MASSACHUSETTS CREDIT  
UNION SHARE INSURANCE CORPORATION.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 2 of chapter 294 of the acts of 1961, as appearing in section 1 of chapter 306 of the acts of 1973, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:–

In the election of directors and, except as otherwise provided, in voting on any matter legally before a meeting, each regular and excess member by a delegate authorized by its board of directors shall have one vote; provided, that such delegate shall not vote by proxy nor shall any one delegate represent more than one such member.

**SECTION 2.** Section 3 of said chapter 294, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:–

Subject to the provisions of section five of this act, the by-laws may be amended, altered or repealed in whole or in part by a thirty day written notice to all regular and excess members containing a notice of the time and place of the meeting and proposed changes; provided, however, that such alteration, amendment or repeal shall be by vote of two-thirds of the delegates present and voting at the meeting.

**SECTION 3.** Section 6A of said chapter 294, as appearing in section 3 of chapter 278 of the acts of 1982, is hereby amended by adding the following two paragraphs:–

Regular members shall, at least semi-annually, file with the

corporation financial reports in such form and containing such information as the corporation may require. The corporation may also require further information and reports as it deems necessary. Financial reports shall contain a certification by the president, a vice-president, the treasurer or any other officer designated by the board of directors of the reporting regular member, that the reports are true and accurate to the best of such certifier's knowledge and belief.

The corporation may, with the approval of the commissioner, following notice to the member and a hearing before the commissioner, audit or cause an audit to be made of a member at such member's expense whenever it appears that the financial condition of such member threatens to impair the insurance fund.

**SECTION 4.** Section 6B of said chapter 294, as so appearing, is hereby amended by striking out subparagraph (b) and inserting in place thereof the following subparagraph:-

(b) If a regular or excess member has conducted its business in an unsafe or unsound manner, or has knowingly or negligently permitted any of its officers or agents to violate any provision of any law or regulation to which such member is subject.

**SECTION 5.** Said section 6B of said chapter 294, as so appearing, is hereby further amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

In the event of termination of the insurance of a regular or excess member, the commissioner may order such member to give such notice to its shareholders and depositors as he may require. In the event of the failure to give such required notice, the commissioner is authorized to give such notice in such manner as he may determine and, for such purpose, such member shall provide a list of all names and addresses of its depositors and shareholders to the commissioner.

**SECTION 6.** Section 6D of said chapter 294, as so appearing, is hereby amended by striking out subparagraph (b) and inserting in place thereof the following subparagraph:-

(b) Such excess member shall enter into a contract of insurance with the corporation which shall contain provisions regarding the terms and conditions and the fee and assessment structure under which insurance for excess shares and deposits may be issued, maintained, renewed or terminated. Upon the withdrawal of a regular member to excess membership, the corporation shall retain all assessments theretofore paid to it pursuant to section seven and section eight. Excess members which have withdrawn from regular membership shall be entitled to receive a proportionate share of any dividends declared pursuant to the provisions of paragraph (d) of section seven. Fees and assessments levied pursuant to this section shall be added to and become part of the share insurance fund and shall be available for distribution in the event of the dissolution and liquidation of the corporation, in the manner and to the extent provided in section ten.

---

**ACTS, 1987. – Chap. 238.**

**SECTION 7.** Said section 6D of said chapter 294, as so appearing, is hereby further amended by adding the following subparagraph:–

(f) Excess members shall, at least semi-annually, file with the corporation financial reports in such form and containing such information as the corporation may require. The corporation may also require further information and reports from such excess members as it deems necessary. Financial reports shall contain a certification by the president, a vice-president, the treasurer or any other officer designated by the board of directors of the reporting excess member, that the reports are true and correct to the best of the certifier's knowledge and belief.

**SECTION 8.** Section 6F of said chapter 294, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:– If the acquiring financial institution is itself a regular member of the corporation, but not otherwise, the corporation shall continue to insure the shares and deposits so acquired, and the acquiring member shall succeed to the same rights with respect to the retained assessments of the acquired member as are provided to inactive members by paragraph (b) of section six C or as are provided to excess members by paragraph (b) of section six D.

**SECTION 9.** The first paragraph of section 6G of said chapter 294, as so appearing, is hereby amended by inserting after the word "six C", in line 15, the words:– or paragraph (b) of section six D.

**SECTION 10.** Said chapter 294 is hereby amended by striking out section 13, inserted by chapter 193 of the acts of 1975, and inserting in place thereof the following section:–

**Section 13.** Every regular and excess member shall display at each place of business maintained by it a sign indicating that its share and deposit accounts are insured by the Massachusetts Credit Union Share Insurance Corporation and shall include in all of its advertisements a statement that its share and deposit accounts are so insured. The corporation, with the approval of the commissioner, shall determine the form of such signs and the substance of any such statement.

Approved July 14, 1987.

---

**Chapter 238. AN ACT LIMITING THE TORT LIABILITY OF INDIVIDUAL TRUSTEES, DIRECTORS, OFFICERS OR AGENTS OF CERTAIN CHARITABLE ORGANIZATIONS.**

Be it enacted, etc., as follows:

Section 85K of chapter 231 of the General Laws is hereby amended by adding the following paragraph:–

No person who serves as a director, officer or trustee of an

---

**ACTS, 1987. - Chap. 239.**

educational institution which is, or at the time the cause of action arose was, a charitable organization, qualified as a tax-exempt organization under 26 USC 501(c)(3) and who is not compensated for such services, except for reimbursement of out of pocket expenses, shall be liable solely by reason of such services as a director, officer or trustee for any act or omission resulting in damage or injury to another, if such person was acting in good faith and within the scope of his official functions and duties, unless such damage or injury was caused by willful or wanton misconduct. The limitations on liability provided by this section shall not apply to any cause or action arising out of said person's operation of a motor vehicle.

Approved July 14, 1987.

---

**Chapter 239. AN ACT FURTHER REGULATING THE LAWS RELATIVE TO BANKS AND CREDIT UNIONS.**

Be it enacted, etc., as follows:

**SECTION 1.** Paragraph 4 of section 10 of chapter 168 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Upon the election as trustee of a person who has not been theretofore a trustee of such corporation, the clerk shall send forthwith to the commissioner the name and address of such person and the clerk shall transmit to such person a copy of the laws relating to savings banks.

**SECTION 2.** Section 21 of said chapter 168, as so appearing, is hereby amended by striking out, in lines 5 and 6, the words "to one hundred and sixty-eight, inclusive," and inserting in place thereof the words:- , one hundred and sixty-seven A to one hundred and sixty-seven G, inclusive, one hundred and sixty-eight and one hundred and eighty-three as such provisions are applicable to such officer or to such bank.

**SECTION 3.** Section 22 of said chapter 168, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words "or one hundred and sixty-eight" and inserting in place thereof the words:- , one hundred and sixty-seven A to one hundred and sixty-seven G, inclusive, one hundred and sixty-eight, and one hundred and eighty-three as such provisions are applicable to such officer or to such bank.

**SECTION 4.** Section 13 of chapter 170 of the General Laws, as so appearing, is hereby amended by striking out, in lines 5 and 6, the words "or one hundred and seventy" and inserting in place thereof the words:- , one hundred and sixty-seven A to one hundred and sixty-seven G, inclusive, one hundred and seventy, and one hundred and eighty-three as such provisions are applicable to such officer or to such bank.

**SECTION 5.** Section 16 of said chapter 170, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words "or one hundred and seventy" and inserting in place thereof the words:– , one hundred and sixty-seven A to one hundred and sixty-seven G, inclusive, one hundred and seventy and one hundred and eighty-three as such provisions are applicable to such officer or to such bank.

**SECTION 6.** The second paragraph of section 21 of chapter 171 of the General Laws is hereby amended by striking out paragraph (i), as so appearing, and inserting in place thereof the following paragraph:–

(i) In a common trust unit plan organized for the purchase of obligations of the United States or any subdivision thereof which appear on the list of legal investments prepared pursuant to section fifteen A of chapter one hundred and sixty-seven and which plan has as its custodian a banking institution authorized to accept deposits from credit unions.

**SECTION 7.** Said second paragraph of said section 21 of said chapter 171 is hereby further amended by striking out paragraph (k), as so appearing, and inserting in place thereof the following paragraph:–

(k) Obligations of other federal agencies which appear on the list of legal investments prepared pursuant to section fifteen A of chapter one hundred and sixty-seven.

**SECTION 8.** Said second paragraph of said section 21 of said chapter 171 is hereby further amended by striking out paragraph (n), as so appearing, and inserting in place thereof the following paragraph:–

(n) In any obligations, bank stocks, bank holding company stocks, insurance stocks or preferred stocks of public utility companies which appear on the list of legal investments prepared pursuant to section fifteen A of chapter one hundred and sixty-seven.

Not more than ten per cent of the assets of a credit union shall be invested in bank stocks or bank holding company stocks or insurance stocks or preferred stocks of public utility companies or in all four of the such types of stocks appearing on said list and not more than fifteen thousand dollars, or two per cent of the assets of a credit union, whichever is greater, shall be invested in the stock of any one such bank, bank holding company, insurance company or preferred stock of public utility companies.

Not more than twenty per cent of the deposits of a credit union shall be invested in railroad obligations appearing on such list, and not more than one and one-half per cent of the deposits of any such credit union shall be invested in the obligations of any one operating railroad corporation.

Not more than twenty per cent of the deposits of a credit union shall be invested in the obligations of telephone companies appearing on said list and not more than four per cent of the deposits of such credit union shall be invested in the obligations of any one such company.

Not more than twenty-five per cent of the deposits of a credit union shall be invested in obligations of public utility companies appearing on

said list and not more than four per cent of the deposits of such credit union shall be invested in the obligations of any one such company.

Not more than ten per cent of the deposits of a credit union shall be invested in interest bearing obligations authorized for investment under the provisions of section fifteen B of chapter one hundred and sixty-seven and appearing on the list of legal investments prepared pursuant to section fifteen A of said chapter one hundred and sixty-seven. Not more than one-half of one per cent of the deposits of such credit union shall be so invested in the obligations of any one obligor, but the foregoing limitations shall not apply to obligations of telephone companies, of companies engaged primarily in the distribution and sale of electricity or gas, or both, or of railroad companies other than terminal companies.

**SECTION 9.** Said second paragraph of said section 21 of said chapter 171, as so appearing, is hereby further amended by adding the following two paragraphs:-

(v) In bankers' acceptances of the kinds and maturities made eligible by law for rediscount with federal reserve banks; provided, that the same are accepted by a bank, banking association or trust company incorporated under the laws of the United States or of this commonwealth, and having its principal place of business within the commonwealth.

Not more than ten per cent of the deposits of a credit union shall be invested in such bankers' acceptances, and not more than five per cent of the deposits of such credit union shall be invested in the acceptances eligible by law for rediscount in federal reserve banks of any one accepting bank or trust company; and the aggregate amount of bankers' acceptances of any one bank, banking association or trust company held by any such credit union shall not exceed twenty-five per cent of the paid-up capital and surplus of such bank, banking association or trust company.

(w) In certificates of deposit having a maturity not in excess of two years of a banking corporation; provided that (a) either the banking corporation or a bank holding company as, defined by chapter one hundred and sixty-seven A which owns two-thirds of the outstanding shares of each class of such banking corporation's voting stock has paid in each of the five years immediately preceding the date of investment dividends in cash of not less than four per cent of its common stock without having reduced the aggregate par value thereof; (b) the banking corporation has surplus at least equal to fifty per cent of its capital stock; (c) the banking corporation has a combined total of capital stock, surplus, undivided profits, capital debentures and reserve for contingencies at least equal to six per cent of its aggregate deposit liability at the end of the calendar year immediately preceding the date of investment; and (d) the banking corporation is, if its principal office is located outside the commonwealth, a member of the federal reserve system; provided, however, that in the case of a banking corporation having a combined total of capital stock, surplus, undivided profits and

reserve for contingencies equal to at least five hundred million dollars the said combined total may be less than six per cent, but not less than five per cent, of its aggregate deposit liability at the end of the calendar year immediately preceding the date of investment. The limitation imposed by clause (a) of this paragraph shall not apply to an aggregate investment of less than one hundred thousand dollars in certificates of deposit of a banking corporation, if the deposits of said corporation are insured by the Federal Deposit Insurance Corporation.

**SECTION 10.** Section ten of chapter one hundred and seventy-two of the General Laws is hereby repealed.

**SECTION 11.** Section 17 of chapter 172 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in lines 5 and 6, the words "or one hundred and seventy-two except in so far as much" and inserting in place thereof the words:– , one hundred and sixty-seven A to one hundred and sixty-seven G, inclusive, one hundred and seventy-two and one hundred and eighty-three as such provisions are applicable to such officer or to such bank except in so far as such.

**SECTION 12.** Section 21 of said chapter 172, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words "or one hundred and seventy-two" and inserting in place thereof the words:– , one hundred and sixty-seven A to one hundred and sixty-seven G, inclusive, one hundred and seventy-two and one hundred and eighty-three as such provisions are applicable to such officer or to such bank.

**SECTION 13.** Section twenty-nine of said chapter one hundred and seventy-two is hereby repealed.

Approved July 14, 1987.

---

**Chapter 240. AN ACT FURTHER REGULATING THE PROCEDURE FOR JUDICIAL APPEAL OF CERTAIN DISPUTES.**

Be it enacted, etc., as follows:

Subparagraph (c) of paragraph (1) of section 39Q of chapter 30 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the first sentence the following sentence:– In the event an aggrieved party exercises his option to file an action directly in court as provided in the previous sentence, the twenty-one day period shall not apply to such filing and the period of filing such action shall be the same period otherwise applicable for filing a civil action in superior court.

Approved July 14, 1987.



**Chapter 241. AN ACT INCREASING THE AMOUNT THAT CREDIT UNIONS MAY LOAN FOR THE IMPROVEMENT OF IMPROVED REAL ESTATE.**

Be it enacted, etc., as follows:

**SECTION 1.** Subdivision (D) of section 24 of chapter 171 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:- Such loan shall not exceed thirty thousand dollars, exclusive of interest or discount from the date of the note, with respect to any one parcel of such real estate.

**SECTION 2.** Said subdivision (D) of said section 24 of said chapter 171, as so appearing, is hereby further amended by striking out the fifth sentence and inserting in place thereof the following sentence:- The aggregate balance of principal outstanding at any one time on loans of this class shall not exceed thirty per cent of the deposits, shares, and undivided earnings of such credit union.

Approved July 14, 1987.

---

**Chapter 242. AN ACT AUTHORIZING THE ISSUANCE OF CREDIT CARDS BY CREDIT UNIONS.**

Be it enacted, etc., as follows:

Section 24 of chapter 171 of the General Laws is hereby amended by adding the following subdivision:-

**(H) CREDIT CARDS.**

With the prior written approval of the commissioner, after the board of directors submits a plan to the commissioner for the issuance of credit cards, a credit union may issue and honor credit cards subject to the conditions, limitations and requirements herein stated.

A credit union may issue credit cards for the purpose of making loans to one or more members. Such loans shall be made by such means as the board of directors shall determine, including but not limited to, paying to, or for the account of any member, the amount of any sales slip, voucher or other evidence of any transaction in which goods or services were sold or cash advanced to said member in reliance on a credit card issued by the credit union. The credit union may advance cash to any member holding a credit card issued by the credit union or by any other person or corporation who, directly or indirectly, has agreed to pay to or for the account of such member, the amount of cash advanced by it in reliance on credit cards issued by said other person or corporation. Such credit cards, loans, advances and documents used in connection

---

**ACTS, 1987. - Chaps. 243, 244, 245.**

therewith shall be in such form and upon such terms and conditions as the board of directors shall determine, including but not limited to terms and conditions as to revocation, rates of interest and other charges, maturity dates and security, if any.

The total obligation of one or more members pursuant to any credit card agreement entered into under the provisions of this subdivision shall not exceed fifteen hundred dollars; and the aggregate balance of such loans and advances made by any such corporation at any time outstanding, shall not exceed ten per cent of its deposits and shares.

Approved July 14, 1987.

---

**Chapter 243. AN ACT AUTHORIZING CREDIT UNIONS TO GRANT CERTAIN REAL ESTATE LOANS.**

Be it enacted, etc., as follows:

Subsection (b) of subdivision (B) of section 24 of chapter 171 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after paragraph 8 the following paragraph:-

8A. A credit union having assets of more than four million dollars may grant a first mortgage upon any one parcel of real estate, in an amount which is acceptable for purchase by the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation; provided, however, that either the said association or the said corporation has agreed to purchase any such mortgage.

Approved July 14, 1987.

---

**Chapter 244. AN ACT RELATIVE TO THE ANNUAL REPORT OF CO-OPERATIVE BANKS.**

Be it enacted, etc., as follows:

Section 18 of chapter 170 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:- Every such corporation shall annually, within thirty days after the last business day of December, make a report to the commissioner in such form as he may prescribe, showing accurately its condition at the close of business on said day.

Approved July 14, 1987.

---

**Chapter 245. AN ACT RELATIVE TO THE JURISDICTION OF THE HOUSING COURT.**

---

**ACTS, 1987. - Chaps. 246, 247.**

Be it enacted, etc., as follows:

Section 3 of chapter 185C of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "therewith", in line 21, the following words:- or the use of any real property and activities conducted thereon as such use affects the health, welfare and safety of any resident, occupant, user or member of the general public and which is subject to regulation by local cities and towns under the state building code, state specialized codes, state sanitary code, and other applicable statutes and ordinances.

Approved July 14, 1987.

---

**Chapter 246. AN ACT PROVIDING FOR LOCAL OPTION INSURANCE COVERAGE OF RESERVE, PERMANENT-INTERMITTENT OR CALL FIREFIGHTERS.**

Be it enacted, etc., as follows:

Chapter 32B of the General Laws is hereby amended by inserting after section 2A the following section:-

Section 2B. In governmental units which accept the provisions of this section, reserve, permanent-intermittent or call firefighters shall be considered employees under this chapter, notwithstanding the definition of "Employee" in section two, and upon retirement shall be considered retirees under this chapter.

Approved July 14, 1987.

---

**Chapter 247. AN ACT RELATIVE TO STOCK CERTIFICATES.**

Be it enacted, etc., as follows:

Section 27 of chapter 156B of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) The shares of a corporation shall be represented by certificates or shall be uncertificated shares. Each such certificate shall be signed by the chairman of the board of directors, the president or a vice president and by the treasurer or an assistant treasurer. Such signatures may be facsimiles if the certificate is signed by a transfer agent, or by a registrar, other than a director, officer or employee of the corporation. In case any officer who has signed or whose facsimile signature has been placed on such certificate shall have ceased to be such officer before such certificate is issued, it may be issued by the corporation with the same effect as if he were such officer at the time of its issue.

Approved July 14, 1987.

---

**ACTS, 1987. – Chaps. 248, 249, 250, 251.**

**Chapter 248. AN ACT EXTENDING THE TIME PERIOD FOR RECORDING CERTIFICATES OF LIENS.**

Be it enacted, etc., as follows:

Section 23 of chapter 60 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 24, the word "ninety" and inserting in place thereof the words:- one hundred and fifty.

Approved July 14, 1987.

---

**Chapter 249. AN ACT RELATIVE TO FIREARMS DEALERS.**

Be it enacted, etc., as follows:

Section 123 of chapter 140 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following paragraph:-

Notwithstanding the provisions of this section, a person licensed under the provisions of section one hundred and twenty-two, or section one hundred and twenty-two B, may sell or transfer firearms, rifles, shotguns, machine guns or ammunition at any regular meeting of an incorporated collectors club or at a gun show open to the general public; provided, however, that all other provisions of this section are complied with and that such sale or transfer is in conformity with federal law or regulations applicable to the transfer or sale of firearms, rifles, shotguns, machine guns or ammunition.

Approved July 14, 1987.

---

**Chapter 250. AN ACT INCREASING THE FEE FOR MUNICIPAL LIEN CERTIFICATES.**

Be it enacted, etc., as follows:

Section 23 of chapter 60 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:- Such collector of taxes shall charge twenty-five dollars for each certificate so issued, and the money so received shall be paid into the city or town treasury.

Approved July 14, 1987.

---

**Chapter 251. AN ACT FURTHER REGULATING DISTRICT COURT TRIALS.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 231 of the General Laws is hereby amended by striking out section 103, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:–

Section 103. If a party elects to bring in any district court any action or other civil proceeding which he might have begun in the superior court, he shall be deemed to have waived a trial by jury and his right of appeal to the superior court, unless within thirty days of commencement of the action or service of a responsive pleading, or within such further time as the court may allow, a plaintiff files a claim to a jury trial in the superior court with the district court and within thirty days after notice of the decision or finding files an entry fee of fifty dollars and bond in accordance with the second paragraph of section one hundred and four; provided, however, that if any claim, counterclaim or cross-claim is asserted against a plaintiff who has elected to bring such action or other civil proceeding in any district court, said plaintiff may of right remove said action or proceeding and claim a jury trial in the same manner and upon the same terms as set forth in said section one hundred and four; and, provided further, that if any compulsory counterclaim is asserted by a defendant, said defendant may of right remove the action and claim a jury trial in the same manner and upon the same terms as are set forth in said section one hundred and four. This section and sections one hundred and four to one hundred and ten, inclusive, shall not apply to actions or counterclaims under the provisions of chapter two hundred and thirty-nine.

**SECTION 2.** Section 104 of said chapter 231, as appearing in the 1986 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:–

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 amount of the claim 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 provided herein and in section one hundred and three 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 thirty 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 14, 1987.

---

**ACTS, 1987. - Chaps. 252, 253, 254.**

**Chapter 252. AN ACT RELATIVE TO THE SENIORITY OF FIRE-FIGHTERS.**

Be it enacted, etc., as follows:

The fourth paragraph of section 33 of chapter 31 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following sentence:- In determining the seniority of a firefighter for the purpose of reduction in rank or reduction in force, his ranking shall be based on his length of service in the fire department in which such reduction is to take place.

Approved July 14, 1987.

---

**Chapter 253. AN ACT FURTHER DEFINING AGRICULTURE.**

Be it enacted, etc., as follows:

Section 1A of chapter 128 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "commodities", in line 4, the words:- , the growing and harvesting of forest products upon forest land.

Approved July 14, 1987.

---

**Chapter 254. AN ACT AUTHORIZING THE BELMONT FIREMEN'S RELIEF ASSOCIATION INC., TO PAY CERTAIN BENEFITS TO ITS MEMBERS UPON THEIR RETIREMENT.**

Be it enacted, etc., as follows:

The Belmont Firemen's Relief 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 any member in good standing who retires or who retired after January first, nineteen hundred and eighty-seven, after serving as a permanent firefighter in the fire department of the town of Belmont, if he so elects by a writing filed by him with the secretary of said corporation within sixty days after his retirement, from the death benefit fund of said corporation, a sum equal to one-half of said death benefit as a retirement payment, and he shall remain a member of said corporation, subject to a member's obligations and entitled to a member's benefits, except that the death benefit payable upon his death shall be an amount equal to the difference between the amount so received as such retirement payment and the amount of the death benefit then provided by the by-laws of said corporation.

Approved July 14, 1987.

**Chapter 255. AN ACT FURTHER REGULATING THE RETURN OF  
MOTOR VEHICLE NUMBER PLATES.**

Be it enacted, etc., as follows:

Provision (2)A of section 113A of chapter 175 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following paragraph:

The company shall not issue a return premium upon cancellation of the policy until the insured has presented to the company a receipt or other document showing that the number plates assigned to the insured motor vehicle have been returned to the registry of motor vehicles; provided however, that a company shall return a premium upon cancellation of the policy to an agent or broker or premium finance company without said receipt.

Approved July 14, 1987.

---

**Chapter 256. AN ACT FURTHER REGULATING THE PROMOTIONAL  
AND RETIREMENT RIGHTS OF CERTAIN FIRE ALARM  
PERSONNEL.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, in any city or town which accepts the provisions of this act, any fire alarm personnel, whose employment was terminated in nineteen hundred and eighty-one or nineteen hundred and eighty-two due to a reduction in force and subsequently was reinstated to his former position on or before July first, nineteen hundred and eighty-three, shall be credited with active service for such period of unemployment. Such credited service shall be included as part of his length of service, and shall be applied to his seniority, promotional examinations and retirement; provided, however, that such fire alarm personnel shall be required to pay into the Annuity Savings Fund of the retirement system in one sum, or in installments upon conditions as the retirement board shall prescribe, an amount equal to the accumulated regular deductions otherwise payable by him had he remained an active member in service during such period of unemployment at the rate of compensation he was receiving at the time of the aforesaid termination of employment together with the regular interest thereon to his date of reinstatement; and, provided further, that such fire alarm personnel shall be required to pay into the Annuity Savings Fund of the retirement system in one sum, or in installments upon conditions as the retirement board shall prescribe, an amount equal to the accumulated regular deductions withdrawn by him, if any, with the regular interest to the date of his reinstatement.

Approved July 14, 1987.

**Chapter 257. AN ACT ALLOWING CERTAIN MUNICIPALITIES TO DEPOSIT FUNDS IN COOPERATIVE BANKS.**

Be it enacted, etc., as follows:

Section 55 of chapter 44 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:- A treasurer of a city, town, district or regional school district may invest such portion of revenue cash as he shall deem not required to pay expenses until such cash is available and all or any part of the proceeds from the issue of bonds or notes, prior to their application to the payment of liabilities incurred for the purposes for which the bonds or notes were authorized, in term deposits or certificates of deposit, in trust companies, national banks, savings banks, banking companies or cooperative banks, or in obligations issued or unconditionally guaranteed by the United States government or an agency thereof and having a maturity from date of purchase of one year or less, or in United States government securities or securities of United States government agencies purchased under an agreement with a trust company, national bank or banking company to repurchase at not less than the original purchase price of said securities on a fixed date, not to exceed ninety days, or in participation units in a combined investment fund under section thirty-eight A of chapter twenty-nine; provided, however, that no temporary notes in anticipation of revenue shall be issued under section four as long as any revenue cash, exclusive of revenue sharing or other revenue cash the use of which is restricted to purposes other than current maintenance expenses, remains so invested.

Approved July 14, 1987.

---

**Chapter 258. AN ACT RELATIVE TO SURPLUS ACCOUNTS IN SAVINGS AND COOPERATIVE BANKS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 27 of chapter 168 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the second paragraph.

**SECTION 2.** Section 21 of chapter 170 of the General Laws, as so appearing, is hereby amended by striking out paragraph (2).

**SECTION 3.** Said section 21 of said chapter 170, as so appearing, is hereby amended by striking out, in line 21, the number "(3)" and inserting in place thereof the following number:- (2).

Approved July 14, 1987.



---

**ACTS, 1987. – Chaps. 259, 260, 261.**

**Chapter 259. AN ACT RELATIVE TO THE USE OF COLLECTIVE INVESTMENT FUNDS AND COMMON TRUST FUNDS.**

Be it enacted, etc., as follows:

Section 3 of chapter 167G of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after subsection 10 the following subsection:-

10A. Any association or corporation authorized to do a banking business and to exercise trust powers in the commonwealth may invest funds which it holds in a fiduciary capacity in any collective investment fund or common trust fund established by any affiliate of such association or corporation as defined in subsection (e) of section one of chapter one hundred and sixty-seven A; and any such association or corporation may invest in any collective investment fund or common trust fund established by it pursuant to the provisions of this chapter or chapter two hundred and three A funds held by any such affiliate in a fiduciary capacity; provided, however, that any such investment is not prohibited by the instrument, judgment, decree or order creating such fiduciary relationship.

Approved July 14, 1987.

---

**Chapter 260. AN ACT FURTHER REGULATING THE RETIREMENT RIGHTS OF CERTAIN EMPLOYEES OF BARNSTABLE COUNTY.**

Be it enacted, etc., as follows:

Chapter 124 of the acts of 1953 is hereby amended by inserting after section 2 the following section:-

Section 2A. Notwithstanding the provisions of paragraph (g) of subdivision (2) of section three of chapter thirty-two of the General Laws, or any other general or special law to the contrary, any criminal identification officer, first assistant criminal identification officer, or assistant criminal identification officer employed by the county of Barnstable bureau of investigation and any county narcotic officer or assistant county narcotic officer employed by the Barnstable county drug abuse information bureau shall be classified in Group 4 for the purposes of said chapter thirty-two.

Approved July 14, 1987.

---

**Chapter 261. AN ACT AUTHORIZING THE DISSOLUTION OF THE STOUGHTON FIREFIGHTERS RELIEF ASSOCIATION.**

Be it enacted, etc., as follows:

---

**ACTS, 1987. - Chap. 262.**

Notwithstanding the provisions of any general or special law to the contrary, the Stoughton Firefighters Relief Association, a corporation duly established under the laws of the commonwealth, is hereby authorized to dissolve said corporation and to donate any remaining funds of said corporation to the house fund, so-called, of the firefighters of said town of Stoughton.

Approved July 14, 1987.

---

**Chapter 262. AN ACT FURTHER REGULATING THE LICENSING OF INSURANCE AGENTS AND BROKERS.**

Be it enacted, etc., as follows:

Section 174E of chapter 175 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the first and second paragraphs and inserting in place thereof the following two paragraphs:-

No such license as described in sections one hundred and sixty-three, one hundred and sixty-six, one hundred and sixty-seven, one hundred and sixty-eight, one hundred and seventy-two A, one hundred and seventy-three and one hundred and seventy-four shall be issued to any bank or mortgage company or any officer, agent, representative or employee of any such bank or mortgage company, unless such bank or mortgage company held such license or licenses as described herein prior to October eleventh, nineteen hundred and seventy-two. Nothing contained herein shall be construed to prohibit a licensed insurance agent or broker from serving as a director or advisory board member of any such bank or mortgage company; nor shall this prohibition apply to a licensed insurance agent or broker who is also an officer, agent, representative or employee of such bank or mortgage company when the insurance business of such agent or broker is in no material way connected with such bank or mortgage company or their borrowers. For the purposes of this section, the insurance business of such agent or broker shall be presumed to be materially connected with such bank or mortgage company or their borrowers when ten per centum or more of the aggregate net commissions received by such insurance agent or broker during the term of any prior license or renewal, or which would probably be received during the term of a new license thereunder, resulted or would result from insurance written on behalf of such bank or mortgage company, or any of their borrowers.

Nothing contained herein shall be construed to prohibit any such bank or mortgage company from making loans to or otherwise financing a licensed insurance broker, agent or agency and, in connection therewith taking a security interest in the assets of such broker, agent or agency, and nothing in this section shall prevent any such bank or mortgage company from acquiring any assets of such broker, agent or agency in satisfaction of any debt previously contracted or that shall be obtained

---

**ACTS, 1987. – Chaps. 263, 264.**

by sale or foreclosure of any security held by such bank or mortgage company; provided, however, that if the assets so obtained are prohibited by this section, such bank or mortgage company shall dispose of such assets within one year of the date it acquired title to the same, unless the commissioner shall extend the time for such disposition for the reason that the interests of such bank or mortgage company or debtor will suffer materially by a forced sale of such property. In the event the commissioner grants such an extension, he shall make a record of such extension and, in that event, the sale of said property may be made at any time before the expiration of the time of such extension. The commissioner may, at any time, for cause shown and after hearing, revoke any agent's or broker's license or suspend it for a period not exceeding the unexpired term thereof, and may for causes shown and after a hearing, revoke the license while so suspended, if he finds that the holder of such license is violating this section.

Approved July 14, 1987.

---

**Chapter 263. AN ACT RELATIVE TO THE CLASSIFICATION OF SAILMAKER SHOPS FOR FIRE INSURANCE.**

Be it enacted, etc., as follows:

Chapter 175 of the General Laws is hereby amended by inserting after section 99B, inserted by section 3 of chapter 137 of the acts of 1985, the following section:-

Section 99C. There shall be established a separate classification for sailmaker shops for companies issuing policies or contracts which insure against loss or damage by fire or by fire and lightning to property or interests in the commonwealth.

Approved July 14, 1987.

---

**Chapter 264. AN ACT EXEMPTING THE POSITION OF BUILDING INSPECTOR OF THE TOWN OF TEWKSBURY FROM THE PROVISIONS OF CIVIL SERVICE LAW.**

Be it enacted, etc., as follows:

**SECTION 1.** The position of building inspector in the town of Tewksbury 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 employed in said position on the effective date of this act.

---

**ACTS, 1987. – Chap. 265.**

**SECTION 3.** This act shall take effect in the town of Tewksbury upon affirmative action of the board of selectmen.

Approved July 14, 1987.

---

**Chapter 265. AN ACT RELATIVE TO THE LIABILITY OF PERSONS WHO VOLUNTEER SERVICES TO CERTAIN SPORTS PROGRAMS.**

Be it enacted, etc., as follows:

Chapter 231 of the General Laws is hereby amended by inserting after section 85U, added by section 176 of chapter 557 of the acts of 1986, the following section:-

Section 85V. As used in this section, unless the context requires otherwise, the following words shall have the following meanings:-

"Compensation", shall not include reimbursement for reasonable expenses actually incurred or to be incurred or, in the case of umpires or referees, a modest honorarium.

"Nonprofit association", an entity which is organized as a nonprofit corporation or nonprofit unincorporated association under the laws of the commonwealth or the United States or any entity which is authorized to do business in the commonwealth as a nonprofit corporation or unincorporated association under the laws of the commonwealth.

"Sports program", baseball, softball, football, basketball, soccer and any other competitive sport formally recognized as a sport by the United States Olympic Committee as specified by and under the jurisdiction of the Amateur Sports Act of 1978 Public Law 95-606, 36 USC sec. 371 et seq., the Amateur Athletic Union or the National Collegiate Athletic Association. It shall be limited to a program or that portion of a program that is organized for recreational purposes and whose activities are substantially for such purposes and which is primarily for participants who are eighteen years of age or younger whose nineteenth birthday occurs during the year of participation or the competitive season, whichever is longer; provided, however, that there shall be no age limitation for programs operated for the physically handicapped or mentally retarded.

Except as otherwise provided, in this section, no person who without compensation and as a volunteer, renders services as a manager, coach, umpire or referee or as an assistant to a manager or coach in a sports program of a nonprofit association, no nonprofit association conducting a sports program, and no officer, director, trustee, or member thereof serving without compensation shall be liable to any person for any action in tort as a result of any acts or failures to act in rendering such services or in conducting such sports program. The immunity conferred by this section shall not apply to any acts or failures to act intentionally designed to harm, or to any grossly negligent acts or failures to act which result in harm to the person. Nothing in this section shall be

---

**ACTS, 1987. – Chap. 266.**

construed to affect or modify any existing legal basis for determining the liability, or any defense thereto, of any person not covered by the immunity conferred by this section.

Nothing in this section shall be construed to affect or modify the liability of a person or nonprofit association for any of the following:

(i) acts or failures to act which are committed in the course of activities primarily commercial in nature even though carried on to obtain revenue for maintaining the sports program or revenue used for other charitable purposes.

(ii) any acts or failures to act relating to the transportation of participants in a sports program or others to or from a game, event or practice.

(iii) acts or failures to act relating to the care and maintenance of real estate which such persons or nonprofit associations own, possess or control and which is used in connection with a sports program and or any other nonprofit association activity.

Approved July 14, 1987.

---

**Chapter 266. AN ACT CONCERNING THE JURISDICTION OF OFFENSES.**

Be it enacted, etc., as follows:

Chapter 218 of the General Laws is hereby amended by striking out section 26, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 26. The district courts and the municipal court of the city of Boston shall have original jurisdiction, concurrent with the superior court, of the following offenses, complaint of which shall be brought in the division of the district court department, or in the Boston municipal court department, as the case may be, within which judicial district the offense was allegedly committed or is otherwise made punishable: all violations of by-laws, orders, ordinances, rules and regulations, made by cities, towns and public officers, all misdemeanors, except libels, all felonies punishable by imprisonment in the state prison for not more than five years, the crimes listed in paragraph (a) of section twenty-four G and paragraph (1) of section twenty-four L of chapter ninety, paragraph (a) of section thirty-two and paragraph (a) of section thirty-two A of chapter ninety-four C, section fifteen A of chapter two hundred and sixty-five and sections sixteen, seventeen, eighteen, nineteen, twenty-eight, forty-nine and one hundred and twenty-seven of chapter two hundred and sixty-six, and the crimes of malicious destruction of personal property under section one hundred and twenty-seven of chapter two hundred and sixty-six, indecent assault and battery on a child under fourteen years of age, escape or attempt to escape from any penal institution, forgery of a promissory note, or of an order for money or other property, and of uttering as true such a forged note or order,

knowing the same to be forged. They shall have jurisdiction of proceedings referred to them under the provisions of section four A of chapter two hundred and eleven.

Approved July 14, 1987.

---

**Chapter 267. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY CERTAIN LAND IN THE CITY KNOWN AS THE TOWN OF AGAWAM TO SAID CITY.**

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 sell and convey certain land in the city known as the town of Agawam, 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 is hereby authorized, subject to the provisions of sections forty E to forty J, inclusive, of chapter 7 of the General Laws, to sell and convey by deed approved as to form by the attorney general, a certain parcel of land in the city known as the town of Agawam, to said city, subject to the requirements of sections three and four and to such additional requirements as the deputy commissioner may prescribe, in consultation with the department of environmental management. Said parcel is bounded and described as follows:-

Beginning at a point in the southeasterly corner of said parcel in the westerly line of North Westfield Street and the northeasterly corner of land now or formerly belonging to Paul G. and Sandra L. Reiprich,

Thence, N 82°-01'-10"W five hundred forty-eight and seventy hundredths (548.70) feet along the northerly line of said land of Reiprich to a point;

Thence N 73°-02'-50"W two hundred twenty-five and sixty-five hundredths (225.65) feet along other land now or formerly of said Reiprich to a point on the easterly line of land now or formerly of Mary Biergel, Ida Biergel and John Biergel;

Thence N 12°-59'-23"E four hundred sixty-six and eighty-eight hundredths (466.88) feet along said easterly line of Biergel to a concrete bound;

Thence N 17°-40'-53"E two hundred eighty-eight and sixty-eight hundredths (288.68) feet along said easterly line of Biergel and land now or formerly of Arthur M. and Jean M. Deforge to a point;

Thence N 21°-49'-13"E three hundred twelve and ten hundredths (312.10) feet along the southeasterly lines of land of said Deforge and land now or formerly of Richard E. and Patricia A. Averill to a point;

Thence N 34°-21'-03"E two hundred fifty-four and three hundredths (254.03) feet along the southeasterly lines of land of said Averill and land now or formerly of Jean M. and Charles H. Stowers to a point in the westerly line of said North Westfield Street;

Thence S 56°-30'-29"E one hundred nineteen and ninety-five hundredths (119.95) along said westerly line of North Westfield Street to a point;

Thence S 34°-21'-03"E two hundred twenty-eight and fifteen hundredths (228.15) feet along said westerly line of North Westfield Street to a bound;

Thence southerly two hundred thirty-nine and two hundredths (239.02) feet along a curve in said westerly line of North Westfield Street to the right with a radius of four hundred (400.00) feet to a bound;

Thence S 00°-11'-38"W two hundred thirteen and sixty-three hundredths (213.63) feet along said westerly line of North Westfield Street to a point;

Thence S 06°-56'-38"E three hundred forty-four and eleven hundredths (344.11) feet along said westerly line of North Westfield Street to a bound;

Thence southerly three hundred forty-three and eighty-six hundredths (343.86) feet along a curve in said westerly line of North Westfield Street to the right with a radius of seven hundred (700.00) feet to the point of beginning;

and containing 17.126 acres of land.

**SECTION 2.** In consideration for said conveyance of the parcel described in section one, the city known as the town of Agawam shall provide sewer service to the existing Agawam state swimming pool located on Maynard street, in said city, at no charge for a period of fifty years and shall provide sewer service, up to fifty thousand cubic feet annually for any new facilities developed within Robinson state park during the same fifty year period.

**SECTION 3.** Said parcel to be conveyed to the city known as the town of Agawam shall be subject to a conservation restriction, held by the commonwealth, providing that no development, other than the sewerage pumping station, sewers, or any future widening of North Westfield street shall be allowed. If the aforementioned purposes cease at any time, the parcel shall revert to the commonwealth under such conditions as the deputy commissioner may prescribe.

**SECTION 4.** The recipient of said conveyance shall assume all costs for appraisals, surveys, and other expenses as deemed necessary by the deputy commissioner for the conveyance of such property.

Approved July 15, 1987.

**Chapter 268. AN ACT ESTABLISHING A LIABILITY INSURANCE FUND IN THE TOWN OF AMHERST.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, the town of Amherst may appropriate in each fiscal year an amount not exceeding one-twentieth of one per cent of its equalized valuation as defined in section one of chapter forty-four to establish and maintain a special fund to be known as the town of Amherst's Liability Insurance Fund; provided, however, that no such appropriation may be made in any fiscal year when the aggregate amount in said fund equals or exceeds one per cent of such equalized valuation. Any interest earned on the amount appropriated to such fund shall be added to and become part of the fund.

The commissioners of trust funds of the town of Amherst shall be the custodian and administrator of this fund and may deposit or invest the fund in such manner as may be lawful under section fifty-four of chapter forty-four of the General Laws for the investment of municipal trust funds.

Each fiscal year, the commissioners shall pay from the amount in the fund including the interest thereon such amounts as the town counsel determines to be necessary from time to time to settle claims against the town of Amherst and to cover the costs of defending the town of Amherst against such claims including without limitation the costs of employing legal counsel, court costs, and filing fees. The commissioners shall also pay from the amount in the fund including the interest thereon such amounts as the town manager determines are necessary to effect insurance to protect the town of Amherst against some or all of such claims. Any amount in the fund which is not paid out by the commissioners in accordance with this act which remains in the fund at the end of a fiscal year shall be added to the fund to be paid out by the commissioners in subsequent years in accordance with this act.

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

Approved July 15, 1987.

---

**Chapter 269. AN ACT RELATIVE TO EXCESS OR INACTIVE MEMBERS OF THE MASSACHUSETTS CREDIT UNION SHARE INSURANCE CORPORATION; ADMISSION OR READMISSION.**

Be it enacted, etc., as follows:

Section 6G of chapter 294 of the acts of 1961, inserted by section 3 of chapter 278 of the acts of 1982, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-



---

**ACTS, 1987. – Chaps. 270, 271.**

Each readmitted member shall pay to the corporation those assessments provided by section seven which would have been due and payable on the semi-annual assessment dates preceding its readmission had the shares and deposits of such member been at such times fully insured by the corporation.

Approved July 15, 1987.

---

**Chapter 270. AN ACT RELATIVE TO ELDERLY HOUSING.**

Be it enacted, etc., as follows:

**SECTION 1.** Subsection 6 of section 4 of chapter 151B of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The word "age" as used in this subsection shall not apply to persons who are minors nor to residency in state-aided or federally-aided housing developments for the elderly nor to residency in retirement communities consisting of either a structure or structures constructed expressly for use by the elderly on one parcel or on contiguous parcels of land, totalling at least ten acres in size, which communities have a minimum age requirement for residency of at least fifty-five years; provided, however, that no more than one of the persons occupying any unit may be under fifty-five years of age, exclusive of nurses or other persons providing health care services to the elderly occupants of said unit.

**SECTION 2.** Subsection 7 of said section 4 of said chapter 151B, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The word "age" as used in this subsection shall not apply to persons who are minors nor to residency in state-aided or federally-aided housing developments for the elderly nor to residency in retirement communities consisting of either a structure or structures constructed expressly for use by the elderly on one parcel or on contiguous parcels of land, totalling at least ten acres in size, which communities have a minimum age requirement for residency of at least fifty-five years; provided, however, that no more than one of the persons occupying any unit may be under fifty-five years of age, exclusive of nurses or other persons providing health care services to the elderly occupants of said unit.

Approved July 15, 1987.

---

**Chapter 271. AN ACT REGULATING CERTAIN DECEPTIVE ADVERTISING BY DENTISTS.**

Be it enacted, etc., as follows:

---

**ACTS, 1987. - Chap. 272.**

Section 52A of chapter 112 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the first sentence the following sentence:- No such registered dentist, person practicing dentistry, or dental hygienist shall include, or permit, or cause to be included, in any newspaper, radio or television advertisement or in any display sign, personal solicitation or other manner of advertising, any written or spoken words or statements of a character that: (1) contains a statement of opinion as to the quality of dental services; (2) refers to benefits or other attributes of dental procedures or products that involve significant risks but that do not include realistic assessments of the safety and efficacy of such procedures or products; (3) contains statistical data, representations, or other information that is not susceptible to reasonable verification by the public; (4) refers to a fee or fees for dental services and fail to disclose that additional fees may be involved in individual cases, if the possibility of incurring such additional fees may be reasonably foreseen; (5) offers a discount for dental services without disclosing the total fee from which the discount will apply; (6) fails to make a disclosure of the source and authorship of any message published under a dentist's byline; or (7) contain a statement concerning the availability of specialty services to make the public believe that specialty care is rendered in a dental office by a qualified specialist when such is not the case.

Approved July 16, 1987.

---

**Chapter 272. AN ACT REGULATING CONTROL SHARE ACQUISITIONS.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate control share acquisitions, 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 110C the following chapter:-

**CHAPTER 110D.**

**REGULATION OF CONTROL SHARE ACQUISITIONS.**

Section 1. As used in this chapter, the following words, unless the context clearly requires otherwise, shall have the following meanings:-

(a) "Associate", any person who directly or indirectly controls, or is controlled by, or is under common control with, a person or who is acting or intends to act jointly or in concert with a person in connection with a control share acquisition; as used herein, control shall mean the

possession, direct or indirect, of the power to direct or cause the direction of the management or policies of a person, whether through the ownership of voting securities, by contract or otherwise; any corporation or organization of which a person is an officer, director or partner or in which a person performs a similar function; any direct or indirect beneficial owner of ten per cent or more of any class of equity securities of a person; any trust or estate in which a person has a beneficial interest or as to which a person serves as trustee or in a similar fiduciary capacity; and any relative or spouse of a person, or any relative of such spouse, any one of whom has the same residence as such person.

(b) "Beneficial ownership", the sole or shared power to dispose or direct the disposition of shares or the sole or shared power to vote or to direct the voting of shares, whether such power is direct or indirect or through any contract, arrangement, understanding, relationship or otherwise. A person shall not be deemed to be a beneficial owner of shares as to which such person may exercise voting power solely by virtue of a revocable proxy conferring the right to vote. A member of a national securities exchange shall not be deemed to be a beneficial owner of shares held directly or indirectly by it on behalf of another person solely because such member is the record holder of such securities and, pursuant to the rules of such exchange, may direct the vote of such shares, without instruction, on other than contested matters or matters that may affect substantially the rights or privileges of the holders of the shares to be voted but is otherwise precluded by the rules of such exchange from voting without instructions.

(c) (1) "Control share acquisition", the acquisition by any person of beneficial ownership of shares of an issuing public corporation which, but for the provisions of this chapter, would have voting rights and which, when added to all other shares of such corporation beneficially owned by such person, would entitle such person, upon acquisition of such shares, to vote or direct the voting of shares of such corporation having voting power in the election of directors within any of the following ranges of such voting power:-

- (i) one-fifth or more but less than one-third of all voting power;
- (ii) one-third or more but less than a majority of all voting power; or
- (iii) a majority or more of all voting power.

If this chapter applies to an issuing public corporation at the time a person makes a control share acquisition, all shares of such issuing public corporation the beneficial ownership of which is acquired by such person within ninety days before or after the date on which such person makes an acquisition of beneficial ownership of shares which results in such control share acquisition, regardless of whether this chapter was in effect or applies to such corporation during such ninety day period, and all shares acquired by such person pursuant to a plan to make a control share acquisition, shall be deemed to have been acquired in the same control share acquisition for purposes of this chapter.

(2) Subject to the provisions of the last paragraph of paragraph (1) of subsection (c), a "control share acquisition" shall not include the acquisition of beneficial ownership of shares acquired:

(i) before June twenty-sixth, nineteen hundred and eighty-seven; provided, however, that the aggregate of shares acquired before such date exceeds the range of voting power established by clause (i) of paragraph (1);

(ii) pursuant to a contract to acquire shares existing before June twenty-sixth, nineteen hundred and eighty-seven;

(iii) during any period after July fifteenth, nineteen hundred and eighty-seven that this chapter does not apply to the issuing public corporation pursuant to the provisions of section two;

(iv) by will or pursuant to the laws of descent and distribution;

(v) pursuant to the satisfaction of a pledge or other security interest created in good faith and not for the purpose of circumventing the provisions of this chapter;

(vi) pursuant to a tender offer, merger or consolidation, but only if such tender offer, merger or consolidation is pursuant to an agreement of merger or consolidation to which the issuing public corporation is a party; or

(vii) directly from the issuing public corporation or a wholly-owned subsidiary thereof.

(3) The acquisition of beneficial ownership of shares of an issuing public corporation does not constitute a control share acquisition if the acquisition is made by or from:

(i) a person whose voting rights with respect to shares of such corporation were previously authorized by the stockholders of the corporation in compliance with this chapter, unless such acquisition, when added to all other shares of such corporation beneficially owned by the person making such acquisition, would entitle such acquiring person to vote or direct the voting of shares of such corporation having voting power in the election of directors in excess of the range of voting power within which all shares beneficially owned by such person whose voting rights were previously so authorized had voting power immediately following such authorization; or

(ii) a person whose previous acquisition of beneficial ownership of shares of such corporation would have constituted a control share acquisition but for the provisions of paragraph (2) of subsection (c), unless such later acquisition, when added to all other shares of such corporation beneficially owned by the person making such acquisition, would entitle such acquiring person to vote or direct the voting of shares of such corporation having voting power in the election of directors in excess of the range of voting power within which the person who made such previous acquisition could exercise voting power immediately following such previous acquisition.

(d) "Interested shares", the shares of an issuing public corporation which are beneficially owned by:

(i) any person who has acquired or proposes to acquire beneficial ownership of shares of such issuing public corporation in a control share acquisition;

(ii) any officer of the issuing public corporation; or

(iii) any employee of the issuing public corporation who is also a director of such corporation.

(e) "Issuing public corporation", a corporation to which the provisions of section three of chapter one hundred and fifty-six B applies or to which the provisions of section three of chapter one hundred and sixty-four applies, or a trust or association subject to regulations under sections three to fourteen, inclusive, of chapter one hundred and eighty-two; provided, however, that such issuing public corporation has:

(i) two hundred or more stockholders of record; and

(ii) its principal place of business, its principal office, or substantial assets within the commonwealth; and

(iii) either: more than ten per cent of its stockholders of record residing within the commonwealth; or more than ten per cent of its issued and outstanding shares owned of record by residents of the commonwealth.

The record date for determining the percentages and numbers of stockholders and shares specified in this subsection shall be the last stockholder record date before the control share acquisition as to which the determination is being made or, if earlier, before the date on which a control share acquisition statement relating thereto is filed under the provisions of section three. A stockholder record date is the date fixed by the board of directors, or if applicable, the date when transfer books are closed by the board of directors, in connection with determining stockholders entitled to notice of and vote at a meeting, or to consent or dissent, to receive any dividend or other distribution, or for the purpose of any other lawful action. If a stockholder record date has not been fixed by the board of directors within the preceding four months, the determination shall be made as of the end of the issuing public corporation's most recent fiscal quarter.

The residence of each stockholder is presumed to be the address appearing in the records of the corporation. Shares held of record by brokers or nominees shall be disregarded for purposes of calculating the percentages and numbers specified in this subsection. Any shares of an issuing public corporation allocated to the account of an employee or former employee, or beneficiaries of employees or former employee, of such corporation and held in a plan that is qualified under section 401(a) of the Internal Revenue Code of 1986, as amended, and is a defined contribution plan within the meaning of section 414(i) of said Code shall be deemed, for the purposes of clause (iii), to be held of record by the employee to whose account such shares are allocated.

(f) "Person", any individual, corporation, partnership, unincorporated association or other entity, and any associate of any such person.

Section 2. (a) If the articles of organization or by-laws of an issuing public corporation provide, at the time of any control share acquisition which occurs prior to January first, nineteen hundred and eighty-eight, that this chapter shall apply to control share acquisitions of such corporation, shares of such corporation acquired in any such control share acquisition shall have only such voting rights as are authorized pursuant to the provisions of section five.

(b) If the board of directors of an issuing public corporation has adopted a vote prior to any control share acquisition which occurs prior to January first, nineteen hundred and eighty-eight, that the provisions of this chapter shall apply to control share acquisitions of such corporation, shares of such corporation acquired in any such control share acquisition shall have only such voting rights as are authorized pursuant to the provisions of section five. Within thirty days after the adoption of any such vote, 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 such vote of the directors, the date of adoption of such vote, and a certification that such vote was duly adopted by the directors.

(c) Unless the articles of organization or by-laws of an issuing public corporation provide, at the time of any control share acquisition which occurs on or after January first, nineteen hundred and eighty-eight, that the provisions of this chapter shall not apply to control share acquisitions of such corporation, shares of such corporation acquired in such control share acquisition shall have only such voting rights as are authorized pursuant to section five.

(d) If the articles of organization or by-laws of an issuing public corporation are amended to provide that the provisions of this chapter shall not apply to control share acquisitions of such corporation, or to eliminate a provision that this chapter shall not apply to control share acquisitions of such corporation, any such amendment shall apply only to control share acquisitions which occur after the effective date of such amendment.

(e) No amendment to the articles of organization adopted by a corporation pursuant to the provisions of this section shall be considered to affect the rights of stockholders adversely within the meaning of the provisions of section seventy-seven of chapter one hundred and fifty-six B.

Section 3. Any person who has made a control share acquisition or has made a bona fide written offer to make a control share acquisition may deliver to the issuing public corporation, personally or by registered or certified mail at its principal office, a control share acquisition statement which shall contain the following:

(i) the identity of such person and any associate of such person who intends to acquire or has acquired beneficial ownership of shares of the issuing public corporation;

(ii) a statement that such control share acquisition statement is being made and delivered pursuant to the provisions of this chapter;

(iii) the number and class or series of shares of the issuing public corporation beneficially owned by such person and each associate of such person prior to the control share acquisition;

(iv) the number and class or series of shares acquired or proposed to be acquired by such person pursuant to the control share acquisition and the range of voting power to which the control share acquisition is or, if consummated, would be subject pursuant to the provisions of subsection (c) of section one;

(v) a description of the terms and conditions of the proposed or completed control share acquisition, including but not limited to the prices paid by such person in the control share acquisition and the dates upon which the shares were acquired; and

(vi) if the control share acquisition has not been completed, a representation by such person that such person has the financial capacity to consummate the proposed control share acquisition, together with a statement in reasonable detail of the material facts upon which such representation is based.

Section 4. (a) If the person delivering the control share acquisition statement so demands in writing contemporaneously with the delivery of such control share acquisition statement, the board of directors of the issuing public corporation, within ten days after the receipt of the demand, shall call a special meeting of stockholders for the purpose of considering whether voting rights shall be authorized for the shares acquired or to be acquired in the control share acquisition. The demand shall not be effective unless accompanied by an undertaking to pay the corporation's reasonable expenses in connection with the special meeting but not including the expenses of the corporation incurred in opposing a vote to authorize voting rights for the shares acquired or proposed to be acquired in the control share acquisition. As promptly as reasonably practicable after the board has called the special meeting, the corporation shall give written notice of the special meeting to stockholders. Such notice shall be given not less than twenty days before the date of the special meeting. Unless the person delivering the control share acquisition statement and the corporation shall agree in writing to a later date, the special meeting shall be held not more than fifty days after the receipt by the corporation of the demand. If the person delivering the control share acquisition statement so requests in the demand, the special meeting shall be held no sooner than thirty days after receipt by the corporation of the demand.

(b) If no demand respecting a special meeting of the issuing public corporation's stockholders is made in accordance with subsection (a), consideration of the voting rights to be authorized for the shares acquired or to be acquired in the control share acquisition shall be presented at the next annual or special meeting of the corporation's stockholders notice of which has not been given prior to the receipt by the corporation of the control share acquisition statement.

(c) The notice to the issuing public corporation's stockholders of any annual or special meeting at which the voting rights to be accorded shares acquired or proposed to be acquired in a control share acquisition are to be considered shall be directed to all stockholders of record of the issuing public corporation as of the record date set for such meeting. Such notice shall include or be accompanied by a copy of the control share acquisition statement received by the issuing public corporation pursuant to this chapter, notice of rights, if any, arising pursuant to section seven and such other information as the issuing public corporation deems appropriate.

Section 5. Shares acquired in a control share acquisition shall have the

same voting rights as all other shares of the same class or series of the issuing public corporation only to the extent authorized by vote of the stockholders of the issuing public corporation at any annual meeting of stockholders or special meeting of stockholders. Such authorization shall require the affirmative vote of the holders of a majority of all of the shares entitled to vote generally in the election of directors, excluding interested shares. Interested shares shall be disregarded for determining a quorum and shall not be entitled to vote with respect to such authorization. If no such vote is adopted, such shares shall regain their voting rights upon transfer of beneficial ownership of such shares to another person unless such transfer constitutes a control share acquisition by the acquirer, in which event the voting rights of such shares shall be subject to the provisions of this chapter.

Section 6. (a) The articles of organization or by-laws of an issuing public corporation, by provision effective at the time of the occurrence of a control share acquisition, may authorize the redemption, at the option of such corporation but without requiring the agreement of the person who has made a control share acquisition, of all but not less than all shares acquired in such a control share acquisition, from such person for the fair value of such shares if:

- (i) no control acquisition statement has been delivered; or
- (ii) a control acquisition statement has been delivered and voting rights were not authorized for such shares by the stockholders in accordance with the provisions of section five.

(b) Notice of such redemption shall be given by the issuing public corporation not later than sixty days after the date on which the stockholders of the issuing public corporation voted not to authorize voting rights for the shares to be redeemed, or if no control share acquisition statement has been delivered prior to the date on which notice of redemption is given by the issuing public corporation, sixty days after the first date on which the board of directors of the issuing public corporation has actual knowledge of such control share acquisition.

(c) For purposes of this section, fair value shall be determined as of the date on which stockholders of the issuing public corporation voted not to authorize voting rights for the shares to be redeemed, or, if no control acquisition statement is delivered, as of the date on which the issuing public corporation determines to make a redemption under this section. Such value shall be determined in accordance with procedures adopted by the issuing public corporation and without regard to the effect of the denial of voting rights under the provisions of section five.

Section 7. Unless otherwise expressly provided in an issuing public corporation's articles of organization or by-laws in effect at the time of a control share acquisition of shares of such corporation, if voting rights are authorized for shares acquired in such control share acquisition in accordance with the provisions of section five and, in such control share acquisition, the person making such control share acquisition has acquired beneficial ownership of shares that, when added to all other shares of such corporation beneficially owned by such person, entitle such person to vote, or direct the voting of, shares of such corporation



having a majority or more of all voting power in the election of directors, each stockholder of record of such corporation, other than the person making such control share acquisition, who has not voted in favor of authorizing voting rights for the shares acquired in such control share acquisition may demand payment for his stock and an appraisal in accordance with the provisions of section eighty-six to ninety-eight, inclusive, of chapter one hundred and fifty-six B, and such stockholder and such corporation shall have the rights and duties and follow the procedures set forth in those sections as nearly as practicable. For purposes of said sections eighty-six to ninety-eight, inclusive, the corporate action shall be deemed to have become effective on the later of the date such voting rights are authorized or the date on which such control share acquisition is made. For purposes of this section, fair value shall be determined as of the date on which the stockholders authorize voting rights for the shares acquired in such control share acquisition, but in no event it shall be less than the highest price per share paid by the person who made such control share acquisition in such control share acquisition.

Section 8. To the extent that any provision of this chapter is inconsistent with any provision of chapter one hundred and fifty-six B, one hundred and sixty-four or one hundred and eighty-two the provisions of this chapter shall govern.

No provisions of this chapter shall be deemed to limit the power of an association or trust to amend its instrument or declaration of trust to the extent otherwise lawful.

**SECTION 2.** The General Laws are hereby further amended by inserting after chapter 110D the following chapter:

**CHAPTER 110E.**

**REGULATION OF CONTROL SHARE ACQUISITIONS OF  
FOREIGN CORPORATIONS.**

Section 1. As used in this chapter, the following words, unless the context clearly requires otherwise, shall have the following meanings:-

(a) "Associate", any person who directly or indirectly controls, or is controlled by, or is under common control with, a person or who is acting or intends to act jointly or in concert with a person in connection with a control share acquisition; as used herein, "control" means the possession, direct or indirect, of the power to direct or cause the direction of the management or policies of a person, whether through the ownership of voting securities, by contract or otherwise; any corporation or organization of which a person is an officer, director or partner or in which a person performs a similar function; any direct or indirect beneficial owner of ten per cent or more of any class of equity securities of a person; any trust or estate in which a person has a beneficial interest or as to which a person serves as trustee or in a similar fiduciary

capacity; and any relative or spouse of a person, any relative of such spouse, any one of whom has the same residence as such person.

(b) "Beneficial ownership", the sole or shared power to dispose or direct the disposition of shares or the sole or shared power to vote or to direct the voting of shares, whether such power is direct or indirect or through any contract, arrangement, understanding, relationship or otherwise. A person shall not be deemed to be a beneficial owner of shares as to which such person may exercise voting power solely by virtue of a revocable proxy conferring the right to vote. A member of a national securities exchange shall not be deemed to be a beneficial owner of shares held directly or indirectly by it on behalf of another person solely because such member is the record holder of such securities and, pursuant to the rules of such exchange, may direct the vote of such shares, without instruction, on other than contested matters or matters that may affect substantially the rights or privileges of the holders of the shares to be voted but is otherwise precluded by the rules of such exchange from voting without instruction.

(c) (1) "Control share acquisition", the acquisition by any person of beneficial ownership of shares of an issuing public corporation which, but for the provisions of this chapter, would have voting rights and which, when added to all other shares of such corporation beneficially owned by such person, would entitle such person, upon acquisition of such shares, to vote or direct the voting of shares of such corporation having voting power in the election of directors within any of the following ranges of such voting power:–

- (i) one-fifth or more but less than one-third of all voting power;
- (ii) one-third or more but less than a majority of all voting power; or
- (iii) a majority or more of all voting power.

If this chapter applies to an issuing public corporation at the time a person makes a control share acquisition, all shares of such issuing public corporation the beneficial ownership of which is acquired by such person within ninety days before or after the date on which such person makes an acquisition of beneficial ownership of shares which results in such control share acquisition, regardless whether this chapter was in effect or applies to such corporation during such ninety day period, and all shares acquired by such person pursuant to a plan to make a control share acquisition, shall be deemed to have been acquired in the same control share acquisition for purposes of this chapter.

(2) Subject to the last paragraph of paragraph (1) of subsection (c), a "control share acquisition" does not include the acquisition of beneficial ownership of shares acquired:–

- (i) before June twenty-sixth, nineteen hundred and eighty-seven; provided, however, that the aggregate of shares acquired before such date exceeds the range of voting power established by clause (i) of paragraph (1);
- (ii) pursuant to a contract existing before June twenty-sixth, nineteen hundred and eighty-seven;
- (iii) during any period after July fifteenth, nineteen hundred and

eighty-seven that this chapter does not apply to the issuing public corporation pursuant to the provisions of section two;

(iv) by will or pursuant to the laws of descent and distribution;

(v) pursuant to the satisfaction of a pledge or other security interest created in good faith and not for the purpose of circumventing this chapter;

(vi) pursuant to a tender offer, merger or consolidation, but only if such tender offer, merger or consolidation is pursuant to an agreement of merger or consolidation to which the issuing public corporation is a party; or

(vii) directly from the issuing public corporation or a wholly-owned subsidiary thereof.

(3) The acquisition of beneficial ownership of shares of an issuing public corporation does not constitute a control share acquisition if the acquisition is made by or from:-

(i) a person whose voting rights with respect to shares of such corporation were previously authorized by the stockholders of the corporation in compliance with this chapter, unless such acquisition, when added to all other shares of such corporation beneficially owned by the person making such acquisition, would enable such acquiring person to vote or direct the voting of shares of such corporation having voting power in the election of directors in excess of the range of voting power within which all shares beneficially owned by such person whose voting rights were previously so authorized had voting power immediately following such authorization; or

(ii) a person whose previous acquisition of beneficial ownership of shares of such corporation would have constituted a control share acquisition but for paragraph (2) of subsection (c), unless such later acquisition, when added to all other shares of such corporation beneficially owned by the person making such acquisition, would entitle such acquiring person to vote or direct the voting of shares of such corporation having voting power in the election of directors in excess of the range of voting power within which the person who made such previous acquisition could exercise voting power immediately following such previous acquisition.

(d) "Interested shares", the shares of an issuing public corporation which are beneficially owned by:-

(i) any person who has acquired or proposes to acquire beneficial ownership of shares of such issuing public corporation in a control share acquisition;

(ii) any officer of the issuing public corporation; or

(iii) any employee of the issuing public corporation who is also a director of such corporation.

(e) "Issuing public corporation", a corporation that has been established, organized or chartered under laws other than those of the commonwealth that has:-

(i) two hundred or more stockholders of record;

(ii) its principal executive office within the commonwealth and more of its employees, including employees of its majority owned subsidiaries,

or assets employed or located in the commonwealth than in any other state as of the end of any of its four fiscal quarters immediately preceding the control share acquisition as to which the determination is being made or, if earlier, immediately preceding the date on which a control share acquisition statement relating thereto is delivered pursuant to section three and

(iii) either: more than ten per cent of its stockholders of record residing within the commonwealth; or more than ten per cent of its issued and outstanding shares owned of record by residents of the commonwealth.

The record date for determining the percentages and numbers of stockholders and shares specified in this subsection shall be the last stockholder record date before the control share acquisition as to which the determination is being made or, if earlier, before the date on which a control share acquisition statement relating thereto is filed under the provisions of section three. A stockholder record date is the date fixed by the board of directors, or if applicable, the date when transfer books are closed by the board of directors, in connection with determining stockholders entitled to notice of and vote at a meeting or to consent or dissent, to receive any dividend or other distribution, or for the purpose of any other lawful action. If a stockholder record date has not been fixed by the board of directors within the preceding four months, the determination shall be made as of the end of the public corporation's most recent fiscal quarter.

The residence of each stockholder is presumed to be the address appearing in the records of the corporation. Shares held of record by brokers or nominees shall be disregarded for purposes of calculating the percentages and numbers specified in this subsection. Any shares of an issuing public corporation allocated to the account of an employee or former employee or beneficiaries of employees or former employees of such corporation and held in a plan that is qualified under Section 401(a) of the Internal Revenue Code of 1986, as amended, and is a defined contribution plan within the meaning of section 414(i) of said Code shall be deemed, for the purposes of clause (iii), to be held of record by the employee to whose account such shares are allocated.

(f) "Person", any individual, corporation, partnership, unincorporated association or other entity, and any associate of any such person.

Section 2. (a) If the charter or bylaws of an issuing public corporation provide, at the time of a control share acquisition, that this chapter applies to control share acquisitions of shares of such corporation, shares of such corporation acquired in such control share acquisition have only such voting rights as are authorized pursuant to the provisions of section five.

(b) A corporation may amend its charter or bylaws to eliminate a provision adopted pursuant to subsection (a), in which event this chapter shall not apply to any control share acquisition respecting the stock of such corporation which occurs after the effective date of such amendment.

Section 3. Any person who has made a control share acquisition or has

made a bona fide written offer to make a control share acquisition may deliver to the issuing public corporation, personally or by registered or certified mail at its principal office, a control share acquisition statement which shall contain the following:-

(i) the identity of such person and any associate of such person who intends to acquire or has acquired beneficial ownership of shares of the issuing public corporation;

(ii) a statement that such control share acquisition statement is being made and delivered pursuant to this chapter;

(iii) the number and class or series of shares of the issuing public corporation beneficially owned by such person and each associate of such person prior to the control share acquisition;

(iv) the number and class or series of shares acquired or proposed to be acquired by such person pursuant to the control share acquisition and the range of voting power to which the control share acquisition is or, if consummated, would be subject pursuant to the provisions of subsection (c) of section one;

(v) a description of the terms and conditions of the proposed or completed control share acquisition, including but not limited to the prices paid by such person in the control share acquisition and the dates upon which the shares were acquired; and

(vi) if the control share acquisition has not been completed, a representation by such person that such person has the financial capacity to consummate the proposed control share acquisition, together with a statement in reasonable detail of the material facts upon which such representation is based.

Section 4. (a) If the person delivering the control share acquisition statement so demands in writing contemporaneously with the delivery of such control share acquisition statement, the board of directors of the issuing public corporation, within ten days after the receipt of the demand, shall call a special meeting of stockholders for the purpose of considering whether voting rights shall be authorized for the shares acquired or to be acquired in the control share acquisition. The demand will not be effective unless accompanied by an undertaking to pay the corporation's reasonable expenses in connection with the special meeting but not including the expenses of the corporation incurred in opposing a vote to authorize voting rights for the shares acquired or proposed to be acquired in the control share acquisition. As promptly as reasonably practicable after the board has called the special meeting, the corporation shall give written notice of the special meeting to stockholders. Such notice shall be given not less than twenty days before the date of the special meeting. Unless the person delivering the control share acquisition statement and the corporation shall agree in writing to a later date, the special meeting shall be held not more than fifty days after the receipt by the corporation of the demand. If the person delivering the control share acquisition statement so requests in the demand, the special meeting will be held no sooner than thirty days after receipt by the corporation of the demand.

(b) If no demand respecting a special meeting of the issuing public

corporation's stockholders is made in accordance with the provisions of subsection (a), consideration of the voting rights to be authorized for the shares acquired or to be acquired in the control share acquisition shall be presented at the next annual or special meeting of the corporation's stockholders notice of which has not been given prior to the receipt by the corporation of the control share acquisition statement.

(c) The notice to the issuing public corporation's stockholders of any annual or special meeting at which the voting rights to be accorded shares acquired or proposed to be acquired in a control share acquisition are to be considered shall be directed to all stockholders of record of the issuing public corporation as of the record date set for such meeting. Such notice shall include or be accompanied by a copy of the control share acquisition statement received by the issuing public corporation pursuant to this chapter and such other information as the issuing public corporation deems appropriate.

Section 5. Shares acquired in a control share acquisition shall have the same voting rights as all other shares of the same class or series of the issuing public corporation only to the extent authorized by vote of the stockholders of the issuing public corporation at any annual meeting of stockholders or special meeting of stockholders. Such authorization shall require the affirmative vote of the holders of a majority of all of the shares entitled to vote generally in the election of directors, excluding interested shares. Interested shares shall be disregarded for purposes of determining a quorum and shall not be entitled to vote with respect to such authorization. If no such vote is adopted, such shares shall regain their voting rights upon transfer to another person unless such transfer constitutes a control share acquisition by the acquirer, in which event the voting rights of such shares shall be subject to the provisions of this chapter.

Section 6. If the jurisdiction under the laws of which an issuing public corporation is organized has adopted or adopts any law which expressly limits, restricts or otherwise affects the voting rights of any person in the event that such person acquires or proposes to acquire shares of such issuing public corporation which exceed or meet any level or range of ownership or voting powers specified in such law, and such law contains provisions that are expressly inconsistent with the provisions of this chapter as applicable to such issuing public corporation, the provisions of this chapter shall be inapplicable to such issuing public corporation to the extent necessary to resolve such inconsistency.

Section 7. No provisions of this chapter shall be deemed to limit the power of an association or trust to amend its instrument or declaration of trust to the extent otherwise lawful.

**SECTION 3.** Two years following the effective date of this act the governor, upon the advice of the secretaries of economic affairs and labor, shall submit to the general court a report evaluating the effect of chapters one hundred and ten D and one hundred and ten E of the General Laws on the commonwealth's economic well-being. Said report shall include, but not be limited to, the effect of said chapters on

---

**ACTS, 1987. - Chap. 273.**

patterns and trends in mergers and acquisitions, jobs saved or retained, long-term investments in capital equipment and research and development, managerial accountability and shareholder voting rights. Said report shall also, include recommendations for legislative action to address any problems or opportunities referred to in said report.

Approved July 21, 1987.

---

**Chapter 273. AN ACT PROVIDING FOR CERTAIN CREDITABLE SERVICE FOR CERTAIN EMPLOYEES IN THE PUBLIC RETIREMENT SYSTEM.**

Be it enacted, etc., as follows:

**SECTION 1.** Subdivision (1) of section 4 of chapter 32, as appearing in the 1986 Official Edition, is hereby amended by inserting after paragraph (p) the following paragraph:-

(q) Any veteran employed in the service of the commonwealth or of any county, city, town or district, or any housing authority or any redevelopment authority thereof, who is a member in service in a public retirement system, and who is elected to the office of national commander of any congressionally chartered veterans organization, shall, while on leave of absence for the purpose of acting in a full-time capacity in said office, be considered on leave of absence without pay for the period of his term of office as national commander; provided, however, that such leave of absence shall not exceed fifteen months; and, provided further, that the period of time of such leave of absence shall be deemed creditable service for retirement purposes upon said member's depositing into the retirement fund of the system of which he is a member the total amount of the payments said member would have paid into the system had he remained in the service during said leave of absence, in one lump sum, or in installments, upon such terms as the board of retirement may prescribe. The provisions of this paragraph shall be effective for the members of the state employees' retirement system and of the teachers' retirement system and for the members of a county retirement system by vote of the county retirement board, subject to the approval of the county commissioners, of a town retirement system by vote of the town retirement board, subject to the approval of the town meeting, of a city retirement system by vote of the city retirement board subject to the approval of the council, and of a district retirement system by vote of the district retirement board, subject to the approval of the district meeting.

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

Approved July 21, 1987.

EMERGENCY LETTER: July 21, 1987 @ 4:54 P.M.

**Chapter 274. AN ACT AUTHORIZING THE ELECTION COMMISSION OF THE CITY OF NEWTON TO SEND CERTAIN INFORMATION TO REGISTERED VOTERS IN THE CITY OF NEWTON.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, the election commission of the city of Newton, at least ten days before any election at which a question shall be submitted solely to the voters of the city of Newton pursuant to any section of the General Laws including, but without limitation, section twenty-one C of chapter fifty-nine, shall cause to be printed and sent to each residence of one or more voters whose name appears on the latest voting list for said city the full text of such question, a fair and concise summary of such question prepared by the city solicitor of said city of Newton and arguments for and against such question as provided in section two.

**SECTION 2.** The election commission of the city of Newton shall cause to be printed and sent, in the manner provided in section one, arguments for and against each question submitted solely to the voters of the city of Newton pursuant to any General Law including, but without limitation, section twenty-one C of chapter fifty-nine of the General Laws. No argument shall contain more than two hundred and fifty words. Said election commission shall seek such arguments from the principal proponents and opponents of each such question, and such arguments shall be filed with said election commission within such time as said election commission shall designate in a written notice to the principal proponents and opponents, at least fourteen days from the date of such written notice. For the purposes of this section, the principal proponents and opponents of any such question shall be those persons determined by said election commission to be best able to present the arguments for and against such question. The principal proponents of such a question may include the first ten signers or a majority of the first ten signers of the petition initiating the placement of such question on the ballot. In determining the principal proponents and opponents of such a question, said election commission shall contact each political committee as defined in section one of chapter fifty-five of the General Laws to influence the outcome of the vote on such question and whose statement of organization is on file with the clerk of the city of Newton. If no argument is received by said election commission within the time allowed by this section, said election commission shall prepare such argument. All arguments filed with or prepared by said election commission pursuant to this section shall be open to public inspection at the office of the clerk of said city of Newton.

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

Approved July 21, 1987.



**Chapter 275. AN ACT AUTHORIZING HAMPDEN COUNTY TO BORROW FROM THE COMMONWEALTH.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding any general or special law or charter provision to the contrary, Hampden County is hereby authorized to borrow at one time or from time to time, but in no event later than June thirty, nineteen hundred and eighty-eight, a sum in the aggregate not exceeding two million, two hundred thousand dollars from the Commonwealth of Massachusetts for the purpose of maintaining and operating Hampden County in fiscal years nineteen hundred and eighty-seven and eighty-eight. No interest shall be payable by the County on account of such loan.

Such loan shall be repaid to the Commonwealth in ten equal annual installments, beginning in fiscal year nineteen hundred and eighty-nine.

**SECTION 2.** Any amounts to be borrowed under section one shall be paid by the State Treasurer upon request of the Hampden County Commissioners and the Advisory Board on County Expenditures, after approval of the loan amount by the Commissioner of the Department of Revenue.

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

Approved July 21, 1987.

---

**Chapter 276. AN ACT AUTHORIZING THE SALE AND CONVEYANCE OF CERTAIN PARK LAND IN THE CITY KNOWN AS THE TOWN OF WATERTOWN BY SAID CITY.**

Be it enacted, etc., as follows:

**SECTION 1.** The town council of the city known as the town of Watertown is hereby authorized to sell and convey a certain parcel of land located in said city.

The land is bounded and described as follows:

A certain Parcel of Land situated to the rear of #43-47 Coolidge Hill Road, Watertown, Massachusetts and being shown as Lot "A" on a Plan entitled "Plan of Land in Watertown Massachusetts, owners" Town of Watertown, Scale: 1"-20', dated December 07, 1983 by Frederick R. Joyce Company, Registered Land Surveyors, of Arlington, Massachusetts, to be recorded herewith and more particularly described as follows:

Northerly: by Lot 2C shown on said Plan, One Hundred and Twenty-Two and 22/100 (122.22') feet;

Easterly: by Land N/F Emerson Convalescent Home, Fifty-Eight and 20/100 (58.20') feet;

---

**ACTS, 1987. – Chaps. 277, 278.**

Southerly: by Land N/F The Town of Watertown in three Courses, Twenty and 41/100 (20.41') feet, Eighty-Seven and 00/100 (87.00') feet and Twenty-Nine and 65/100 (29.65') feet;

Westerly: by Land of said Town of Watertown Ten and 85/100 (10.85') feet.

Said Parcel containing 3981.25 square feet.

Being a portion of that land granted to the Inhabitants of the town of Watertown by John H. McNamara by two deeds recorded in the southern district, registry of deeds in the county of Middlesex in Book 6874 at Page 507 and Page 508 on July thirteenth, nineteen hundred and forty-five.

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

Approved July 21, 1987.

---

**Chapter 277. AN ACT RELATIVE TO THE APPOINTMENT OF POLICE CADETS IN THE CITY OF SPRINGFIELD.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 1 of chapter 358 of the acts of 1977 is hereby amended by inserting after the word "enforcement", in line 3, the words:- or who has acquired sixty credit hours in a criminal justice or law enforcement course at an accredited college and.

**SECTION 2.** Section 4 of said chapter 358, as amended by section 1 of chapter 696 of the acts of 1977, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The provisions of section sixty-one of chapter thirty-one of the General Laws shall apply to appointments made under this act.

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

Approved July 21, 1987.

---

**Chapter 278. AN ACT MAKING AN APPROPRIATION TO FUND A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE STATE LOTTERY COMMISSION AND THE SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 254.**

Be it enacted, etc., as follows:

**SECTION 1.** To provide for the cost of salary adjustments and other employee benefits authorized by the collective bargaining agreement between the state lottery commission and the Service Employees International Union, Local 254, the sum set forth in section two of this

act is 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

1599-3636 For a reserve to meet the cost of salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the state lottery commission and the Service Employees International Union, Local 254, and to meet the cost of salary adjustments and other economic benefits necessary to provide equal salary adjustments and other economic benefits to employees employed in "confidential" positions which would otherwise be covered by said collective bargaining agreement; provided, however, 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 years nineteen hundred and eighty-seven and nineteen hundred and eighty-eight 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 allocation of any amounts necessary to meet the cost of said adjustments and benefits; provided, further, that no transfers shall be made as

---

**ACTS, 1987. – Chap. 279.**

authorized herein without prior approval of the house and senate committees on ways and means; provided, further, that the secretary of administration and finance should implement said salary adjustments and benefits within sixty days of the effective date of this act; and provided, further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-eight \$723,000

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

Approved July 21, 1987.

---

**Chapter 279. AN ACT FURTHER REGULATING THE COMPENSATION PAYABLE TO THE CHANCELLOR 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 provide for a new compensation schedule for the chancellor 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 4 of chapter 15A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the first two paragraphs and inserting in place thereof the following two paragraphs:–

The board of regents shall appoint a chancellor, who shall serve at the pleasure of said board.

The board of regents shall be provided with adequate offices and shall, subject to appropriation, appoint such other employees, to include, but not be limited to, a director of employee relations, as it deems necessary to carry out its duties and responsibilities under the provisions of this chapter. The board of regents shall also, subject to appropriation, establish a schedule of salaries for said chancellor and said other employees, subject to approval by the house and senate committees on ways and means by majority vote of said committees. Such salaries as so established by the board shall be in accordance with a classification and pay plan adopted by the board pursuant to a professional study of the job responsibilities of and appropriate salaries for the offices and positions held by said chancellor and said other employees. Such salaries shall be compensation in full for all services rendered to the board, except as otherwise expressly provided for by any general or special law; provided, however, that the chancellor shall receive, subject to appropriation, in addition to said salary such expenses as are approved by the board and which are incurred by him in the discharge of his duties and which have

---

**ACTS, 1987. – Chaps. 280, 281.**

been approved by majority vote of the house and senate committees on ways and means.

Approved July 21, 1987.

---

**Chapter 280. AN ACT AUTHORIZING THE TOWN OF KINGSTON TO CONVEY A CERTAIN PARCEL OF LAND.**

Be it enacted, etc., as follows:

**SECTION 1.** The town of Kingston acting by and through its board of selectmen is hereby authorized to sell and convey a certain parcel of land located in said town acquired for water purposes to the Independence Mall Group or its assigns or successors.

Said parcel is shown on a plan entitled "Survey of a Portion of the Lands of the Town of Kingston to be conveyed to the Pyramid Companies dated April 4, 1987 by C.T. Male Associates, P.C., D.W.G. No. 87-131", a copy of which is on file at the office of the town clerk.

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

Approved July 21, 1987.

---

**Chapter 281. AN ACT RELATIVE TO PROFESSIONAL CORPORATIONS.**

Be it enacted, etc., as follows:

**SECTION 1.** Subsection (a) of section 12 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 clauses (4), (5) and (6) and inserting in place thereof the following two clauses:-

(4) If any of the shares of such shareholder are transferred voluntarily or by operation of law to a disqualified person; or

(5) If any other event specified in the Articles of organization or by-laws or said shareholder agreement shall occur.

**SECTION 2.** Section 13 of said chapter 156A, as so appearing, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) During the pendency of action under subsection (a), persons may be elected or appointed as the officers or directors of a professional corporation who are not qualified to render professional services on its behalf, and its shares may be voted by the personal representatives of a shareholder who is deceased, disabled or incompetent.

Approved July 21, 1987.

**Chapter 282. AN ACT RELATIVE TO BUSINESS CORPORATIONS.**

Be it enacted, etc., as follows:

**SECTION 1.** Paragraph (a) of section 13 of chapter 156B of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out clause (5) and inserting in place thereof the following clause:-

(5) if more than one class of stock is authorized, a distinguishing designation for each class and, prior to the issuance of any shares of a class, if shares of any other class are outstanding, a description of the preferences, voting powers, qualifications, and special or relative rights or privileges of that class and of each other class of which shares are outstanding, and of each series then established within any class.

**SECTION 2.** The first sentence of section 18 of said chapter 156B, as amended by section 2 of chapter 186 of the acts of 1986, is hereby further amended by striking out, in line 2, the words "or note" and inserting in their place the words:- , note or expenses.

**SECTION 3.** Said chapter 156B is hereby further amended by striking out section 26, as most recently amended by section 5 of said chapter 186, and inserting in place thereof the following section:-

Section 26. If the articles of organization so provide, the directors may determine, in whole or in part, the preferences, voting powers, qualifications, and special or relative rights or privileges of (1) any class of stock before the issuance of any shares of that class or (2) one or more series within a class before the issuance of any shares of that series. Each series of a class shall have a distinguishing designation.

If shares of any class or series are restored to the status of authorized but unissued shares pursuant to section twenty-one A, such shares may be reissued, either as shares of the same class and series or as shares of one or more other series within the same class, the terms of which are determined by the directors in accordance with this section.

Prior to the issuance of any shares of a class or series having terms so determined by the directors other than a reissue of restored shares as shares of the same class and series pursuant to the second paragraph, the corporation shall submit to the state secretary a certificate signed by the president or a vice president and by the clerk or an assistant clerk setting forth the text of the vote of the directors determining the terms of the class or the number of shares and the terms of any series, the date of adoption of such vote, and a certification that such vote was duly adopted by the directors.

Such certificate shall constitute an amendment of the articles of organization, and shall become effective when filed in accordance with section six.

**SECTION 4.** Said chapter 156B is hereby further amended by inserting after section 38 the following section:-

---

**ACTS, 1987. – Chap. 283, 284.**

Section 38A. Following any change in the fiscal year previously adopted, a certificate of such change, signed under the penalties of perjury by the clerk or an assistant clerk, shall be filed with the state secretary.

**SECTION 5.** The provisions of sections one and three of this act shall apply to all certificates submitted pursuant to section twenty-six of chapter one hundred and fifty-six B of the General Laws before or after the effective date of this act, such that any description of any class or series contained in any such certificate constituted a valid description of that class or series for purposes of clause (5) of paragraph (a) of section thirteen of said chapter one hundred and fifty-six B as to all shares issued after the date of filing of such certificate.

Approved July 21, 1987.

---

**Chapter 283. AN ACT FURTHER REGULATING CERTAIN DOMESTIC CORPORATIONS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 6 of chapter 180 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:– Except as otherwise provided in the articles of organization, every corporation shall have in furtherance of its corporate purposes all the powers specified in section nine of chapter one hundred and fifty-six B except those provided in paragraph (m). To the extent provided in its articles of organization, the corporation shall have the powers specified in sections nine A and nine B of said chapter one hundred and fifty-six B.

**SECTION 2.** Section 26A of said chapter 180, as so appearing, is hereby amended by striking out, in lines 8 to 12, inclusive, the words "and sworn to by its president and treasurer, or its presiding and financial officers having the powers of president and treasurer, and a majority of its directors, or officers having the powers of directors, but if such majority is more than five then by at least five" and inserting in place thereof the words:– under the penalties of perjury by an officer of such corporation.,.

Approved July 21, 1987.

---

**Chapter 284. AN ACT PROHIBITING CONSIDERATION OF RESTITUTION IN THE LEVYING OF CERTAIN FINES AND OTHER PENALTIES.**

Be it enacted, etc., as follows:

---

**ACTS, 1987. - Chaps. 285, 286.**

**SECTION 1.** Section 27 of chapter 149 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following paragraph:-

Offers of restitution or payment of restitution shall not be considered in imposing such punishment.

**SECTION 2.** Section 27C of said chapter 149, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- Offers of restitution or payment of restitution shall not be considered in imposing such punishment.

Approved July 21, 1987.

---

**Chapter 285. AN ACT FURTHER REGULATING DISCIPLINARY PROGRAMS AND CODES OF CONDUCT IN THE PUBLIC SCHOOLS.**

Be it enacted, etc., as follows:

Section 37H of chapter 71 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following paragraph:-

Each school committee's rules or regulations pertaining to the conduct of students shall include the following: existing alternative education programs; procedures assuring due process for students in disciplinary proceedings; standards and procedures for suspension and expulsion of students; procedures pertaining to discipline of students with special needs; standards and procedures to assure school building security and safety of students and school personnel; and the disciplinary measures to be taken in cases involving the possession or use of illegal substances or weapons, the use of force, vandalism, or violation of other students' civil rights. Codes of discipline, as well as procedures used to develop such codes shall be filed with the department of education for informational purposes only.

Approved July 21, 1987.

---

**Chapter 286. AN ACT PROVIDING FOR TIMELY PAYMENTS FOR HUMAN SERVICE PROGRAMS.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 29 of the General Laws is hereby amended by inserting after section 23, as appearing in the 1984 Official Edition, the following section:-

Section 23A. Subject to the provisions of sections twenty-four and twenty-five, the comptroller shall provide for semimonthly payments by



---

ACTS, 1987. - Chap. 287.

officers receiving advances pursuant to this chapter and to section twenty of chapter eighteen B, to eligible organizations under contract with the commonwealth to provide social, educational or rehabilitative services. Said semimonthly payments shall be made in accordance with a schedule to be included in each such contract, on the basis of projected expenses or services and shall be adjusted monthly and at the end of each contract, pursuant to the submission of a voucher or other claim for payment, to reflect the actual cost or extent of services rendered.

The comptroller shall establish rules and regulations governing the eligibility of providers to receive semimonthly payments including but not limited to, proper incorporation and recording with the secretary of state, and compliance with all applicable state and federal laws. Each such eligible provider shall, at the end of each billing period, submit timely, complete and accurate documentation prepared in accordance with the terms of its contract and with requirements of the comptroller. Any violation of the provisions of this paragraph shall result in ineligibility for semimonthly payments for a period of one year from the date of disqualification. Prior to reinstatement of eligibility, a provider must submit proof of ability to comply with the requirements of this section and with any regulations promulgated pursuant hereto. The comptroller shall promulgate rules and regulations necessary to carry out the provisions of this section.

**SECTION 2.** The regulations required under the provisions of section one of this act shall be promulgated on or before January first, nineteen hundred and eighty-eight.

**SECTION 3.** On or before August first, nineteen hundred and eighty-eight, the comptroller shall file a report with the clerks of the house and the senate relative to the extent to which the provisions of section one have been implemented.

Approved July 21, 1987.

---

**Chapter 287. AN ACT FURTHER DEFINING THE RESPONSIBILITIES, DUTIES AND LIABILITIES OF SKIERS AND SKI AREA OPERATORS RELATIVE TO THOSE RISKS INHERENT IN THE SPORT OF SKIING, AND TO STABILIZE MASSACHUSETTS SKI AREAS' LIABILITY INSURANCE COSTS.**

Be it enacted, etc., as follows:

The second paragraph of section 71 O of chapter 143 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the fourth sentence the following two sentences:- A skier shall be presumed to know the range of his own ability to ski on any slope, trail or area. A skier shall be presumed to know of the existence

---

**ACTS, 1987. – Chap. 288.**

of certain unavoidable risks inherent in the sport of skiing, which shall include, but not be limited to, variations in terrain, surface or subsurface snow, ice conditions or bare spots, and shall assume the risk of injury or loss caused by such inherent risks.

Approved July 21, 1987.

---

**Chapter 288. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY CERTAIN LAND IN THE TOWN OF NEW SALEM TO THE FRANKLIN COUNTY REGIONAL HOUSING AUTHORITY.**

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 to forty J, inclusive, of chapter seven of the General Laws, to sell and convey by deed approved as to form by the attorney general, two parcels of land and the buildings thereon located in the town of New Salem, to the Franklin County Regional Housing Authority, subject to such terms and conditions as the deputy commissioner may prescribe, in consultation with the metropolitan district commission said land being bounded and described as follows:

**Parcel A:**

Beginning at a stone bound on the southerly line of East Main Street, said point being the northeasterly corner of the premises herein described:

thence S 40°52'06" W, by land now or formerly of New Salem Academy, 149.67 feet to a stone bound:

thence N 50°37'23" W, continuing by land now or formerly of New Salem Academy, 149.74 feet to a stone bound:

thence N 40°26'19" E, by land now or formerly of New Salem Academy and other land of the Commonwealth of Massachusetts 147.33 feet to a stone bound on the southerly line of East Main Street:

thence running southeasterly by the southerly line of East Main Street, 152 feet, more or less, to the point of beginning.

Said parcel A containing 0.51 acres, more or less.

**Parcel B:**

Beginning at a concrete bound to be set on the northerly line of East Main Street, said point being the southwesterly corner of the premises herein described:

thence N 40° 5 feet, more or less to a concrete bound to be set;

thence S 69°33'43" E, 100.00 feet to a concrete bound to be set;

thence S 40°26'19" E, 55 feet, more or less, to a concrete bound to be set in the northerly line of East Main Street, the last three lines running by other land of the Commonwealth of Massachusetts:

thence running northwesterly by the northerly line of East Main Street, 102 feet, more or less, to the point of beginning.

---

**ACTS, 1987. - Chap. 289.**

Said parcel B containing 0.1 acres, more or less.

Parcel C:

Beginning at a concrete bound on the southerly line of East Main Street:

thence running easterly by East Main Street 240 feet, more or less, to a stone bound:

thence S 40°26' 19" W, by Parcel A, 90.85 feet to a concrete bound:

thence N 49°21' 39" W, 137.27 feet to a concrete bound:

thence N 44°36' 15" W, 88.05' to the point of beginning.

The last two lines being land now or formerly of New Salem Academy.

Said Parcel C containing 0.26 acres, more or less.

The above described parcels contain approximately 0.87 acres and are shown as Parcels 549-27, "B" and 549-28 on plan of land entitled "Location of Former Mackie Property", by R. A. Lonergan, R.L.S. dated June 10, 1983, scale 1"=40 feet, a copy of which is on file with the division of capital planning and operations.

**SECTION 2.** No deed conveying by or on behalf of the commonwealth, the property described in section one, shall be valid unless such deed provides that said property shall be used for low income housing under the Franklin County Regional Housing Authority.

**SECTION 3.** In the event that the property described in section one is not used for the purpose described in section two within two years of the effective date of this act, or if the aforementioned purposes ceases at any time, the property shall revert to the commonwealth under such terms and conditions as the deputy commissioner may prescribe.

**SECTION 4.** The recipient of said conveyance shall assume the costs of appraisals, surveys, and other expenses as deemed necessary by the deputy commissioner for the conveyance of said property.

Approved July 21, 1987.

---

**Chapter 289. AN ACT FURTHER REGULATING THE WARRANTY PROVISIONS OF USED MOTOR VEHICLES.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 90 of the General Laws is hereby amended by inserting after section 7N 1/2 the following section:-

Section 7N 1/4. (1) For the purposes of this section the following words shall have the following meanings:-

"Business day", Monday to Friday, inclusive, except for state or federal holidays.

"Consumer", a buyer, other than for purposes of resale, of a motor vehicle, any person to whom such motor vehicle is transferred during the period of any express or statutory warranty under this section applicable

to such motor vehicle, and any other person entitled by the terms of such warranty to enforce its obligations.

"Dealer", any person engaged in the business of selling, offering for sale, or negotiating the retail sale of used motor vehicles or selling motor vehicles as broker or agent for another, including the officers, agents and employees of such person and any combination or association of dealers, but not including a bank or other financial institution, or the commonwealth, its agencies, bureaus, boards, commissions, authorities, nor any of its political subdivisions. A person shall be deemed to be engaged in the business of selling used motor vehicles if such person has sold more than three used motor vehicles in the preceding twelve months.

"Motor vehicle" or "vehicle", any motor vehicle as defined in section one, sold or replaced by a dealer or manufacturer, except that it shall not include auto homes, vehicles built primarily for off-road use or any vehicle used primarily for business purposes.

"Private seller", any person who is not a dealer and who offers to sell or sells a used motor vehicle to a consumer.

"Purchase price", the total of all payments made for the purchase of a vehicle, including but not limited to any finance charges, registration fees, payments made for credit life, accident, health, and damage insurance, and collision and related comprehensive insurance coverages and service contracts and the value of a trade-in.

"Repurchase price", the purchase price, as defined above, less any cash award that was made by the dealer in an attempt to resolve the dispute and was accepted by the consumer, and less any refunds or rebates to which the consumer is entitled, plus any incidental damages not previously reimbursed, including but not limited to the reasonable costs of towing from point of breakdown up to thirty miles to obtain required repairs or to return the vehicle under this section, and the reasonable costs of obtaining alternative transportation during the applicable warranty period after the second day following each such breakdown not to exceed fifteen dollars vehicle rental charges for each day in which the cost of such alternative transportation is reimbursable.

"Used motor vehicle" or "used vehicle", any vehicle driven more than the limited use necessary in moving or road testing a new vehicle prior to delivery to a consumer, including a demonstrator vehicle, except that it shall not include auto homes, vehicles built primarily for off road use, motorcycles, or any vehicle used primarily for business purposes.

(2) (A) (i) No used motor vehicle shall be sold in the commonwealth by a dealer to a consumer unless accompanied by an express written warranty covering the full cost of both parts and labor necessary to repair any defect that impairs the said used motor vehicle's safety or use; provided, however, that the consumer may be required to pay no more than one hundred dollars total toward the repair of any covered defect, series of defects or combination of defects during the warranty period. Defects that affect only appearance shall not be deemed to impair safety or use for the purposes of this section. For the purposes of this section, defect shall include defect, malfunction or any combination or defects or malfunctions.

(ii) Defects or malfunctions which involve parts or components that are covered or are warranted under an express warranty issued by the dealer of the used motor vehicle shall be excluded from this section if the following conditions have been met: the manufacturer's warranty has been duly assigned or transferred to the buyer; is enforceable according to its terms; is not inconsistent with this section; and, the seller has assured that the repair authorized by such manufacturer's express warranty was made.

The terms of the seller's warranty shall be tolled for any period of time the used motor vehicle is out of service by reason of repair under the manufacturer's warranty.

(B) The express warranties required by this section shall be of the following durations:

(i) For a used motor vehicle which, at the time of sale, has been operated less than forty thousand miles, ninety days or three thousand seven hundred and fifty miles, whichever occurs first. Said ninety days or three thousand seven hundred and fifty mile warranty is in addition to any right the consumer may have under section seven N 1/2.

(ii) For a used motor vehicle which, at the time of sale, has been operated forty thousand miles or more, but less than eighty thousand miles, sixty days or two thousand five hundred miles, whichever first occur.

(iii) For a used motor vehicle which, at the time of sale, has been operated eighty thousand miles or more, but less than one hundred and twenty-five thousand miles, thirty days or one thousand two hundred and fifty miles, whichever first occur.

(iv) If the used motor vehicle's true mileage is not known, such warranty period shall be determined by the age of said used motor vehicle in the following manner: a used motor vehicle three years old or less shall have a warranty as provided in clause (i); a used motor vehicle more than three, but less than six years old, shall have a warranty as provided in clause (ii); and a used motor vehicle six years old or more shall have a warranty as provided in clause (iii). A used motor vehicle's age shall be determined by subtracting its model year from the year in which the warranty holder purchased said used vehicle.

(C) The warranty periods established by this section shall be tolled during any period in which the used motor vehicle is out of service as a result of any repair attempt pursuant to any warranty created by this section. The applicable warranty period shall be extended thirty days from the date of completion of any repair required by this section as to the defect repaired if the warranty would otherwise have expired during such period.

(3) (A) A dealer may repair, within the meaning of this section, either by performing the repair himself or by arranging and making payment for prompt repair by another.

(i) A consumer shall return a vehicle for repair under this section by presenting it to the dealer no later than five business days after the expiration of the applicable warranty period and informing him of the defect. Said return period shall be tolled during any time period in which

the consumer has notified the dealer of the defect but cannot reasonably present the vehicle to the dealer; including, but not limited to, the reason that a used motor vehicle is inoperable and the dealer refuses to pay the charge to tow said vehicle. The dealer shall immediately accept return of a vehicle when it is so presented. Said used motor vehicle shall be deemed out of service commencing the day it is so presented, notwithstanding any dealer's failure to accept its return on said day. During the applicable warranty period and the aforesaid return period, the dealer shall pay the reasonable costs of towing from point of breakdown up to thirty miles to obtain required repairs or to return the vehicle to the dealer.

Upon return of the used motor vehicle to the consumer after repair, the dealer shall provide the consumer with a warranty repair receipt describing (a) the defect complained of, (b) the work performed in an attempt to correct such defect and the identity of the repairer if it is not the dealer, and (c) the parts replaced in performing such work. For the dealer to toll the ten business day period as provided in clause (ii) of this paragraph said dealer shall attach to each such warranty repair receipt copies of such order forms, invoices, receipts or other evidence of a parts order and its receipt to evidence his compliance with this paragraph.

(ii) If the dealer fails to repair the same defect within three attempts, or if the used motor vehicle is out of service for more than a cumulative total of ten business days after the consumer has returned it to the dealer for repair of the same, then the dealer shall accept return of the vehicle from the consumer and refund the full repurchase price, less a reasonable allowance for use. A reasonable allowance for use shall be fifteen cents for each mile the used motor vehicle has been operated between its sale and the dealer's repurchase.

A consumer shall have the option of retaining the use of any vehicle returned under the provisions of this section until such time as said consumer has been tendered a full refund. The use of any vehicle retained by a consumer after its return to a manufacturer under the provisions of this section, shall, in instances in which a refund is tendered, be reflected in the above-mentioned reasonable allowance for use.

A used motor vehicle shall not be considered out of service for purposes of the ten business-day period described hereinabove for any day in which a part necessary to repair a defect complained of is not in the dealer's possession; provided, however, that the dealer has ordered the part by reasonable means on the same day on which he knew or should have known that the part was necessary, except that in no event shall a part's unavailability operate to toll the ten business-day period for more than twenty-one days. The applicable warranty period shall be extended by the number of days a part is unavailable.

(iii) All dealers shall submit to state-certified, used car arbitration, if such arbitration is requested by the consumer, asserting his or her right to a repurchase under this section, within six months from the date of original delivery to such consumer of a used motor vehicle.

State-certified, used car arbitration shall be performed by a professional arbitrator or arbitration firm appointed by the secretary of consumer affairs and business regulation and operating in accordance with the regulations promulgated pursuant to this section, and shall result in a written finding of whether the motor vehicle in dispute meets the standards set forth by this section for vehicles that are required to be repurchased. Said finding shall be issued within forty-five days of receipt by said secretary of a request by a consumer for state-certified arbitration under this section. Said secretary shall promulgate rules and regulations governing the proceedings of state-certified, used car arbitration which shall promote their fairness and efficiency. Such rules and regulations shall include, but not be limited to, a requirement of the personal objectivity of each such arbitrator, and the protection of the right of each party to present its case and to be in attendance during any presentation made by the other party.

If a motor vehicle is found by state-certified, used car arbitration to have met the standards set forth by this section for vehicles required to be repurchased, and if the dealer who sold said motor vehicle is found to have failed to provide said refund as required, such dealer shall, within twenty-one days from the issuance of such finding, deliver such refund, including the incidental and other costs set forth in the definition of "repurchase price", or appeal the finding in a district or superior court. No such appeal by a dealer shall be heard unless the petition for such appeal is filed with the clerk of the district or superior court within twenty-one days of issuance of the finding of the state-certified arbitration and is accompanied by a bond in a principal sum equal to the money award made by the state-certified arbitrator plus five hundred dollars for anticipated attorneys' fees, secured by cash or its equivalent, payable to the consumer.

The liability of the surety of any bond filed pursuant to this section shall be limited to the indemnification of the consumer in the action. Such bond shall not limit or impair any right of recovery otherwise available pursuant to law, nor shall the amount of the bond be relevant in determining the amount of recovery to which the consumer shall be entitled.

Upon an appeal, the court shall vacate the award only if:

- (a) the award was procured by corruption, fraud or other undue means;
- (b) there was evident partiality by an arbitrator or corruption in any of the arbitrators, or misconduct prejudicing the rights of any party; or
- (c) the arbitrators exceeded their powers.

In addition to any other rights and remedies, any consumer dissatisfied with any finding of state-certified, used car arbitration shall have the right to file a claim pursuant to chapter ninety-three A.

In addition to any other recovery, any prevailing consumer shall be awarded reasonable attorneys' fees and costs.

Whoever, within twenty-one days of any finding in favor of the consumer of the state-certified, used car arbitration, fails to appeal such finding and does not deliver a refund shall be punished by a fine of fifty dollars per day until the delivery of such refund. Said fine shall not

exceed five hundred dollars for each such violation. The amount of said fine shall begin to accumulate on the twenty-second day following the arbitration decision. If eighty-one days has elapsed from the issuance of a finding in favor of the consumer of the state-certified, used car arbitration, and no appeal has been taken and no award delivered and no fine paid, the attorney general shall initiate proceedings against dealer for failure to pay said fine. The proceedings initiated pursuant to the provisions of this section shall be commenced in superior court department of the trial court.

In addition to the remedies hereinbefore provided, the attorney general may bring an action on behalf of the commonwealth to restrain further violation of this section, to enforce any provision, and for such other relief as may be appropriate.

(iv) At any time within the applicable warranty period and after a consumer has complained of a defect, notwithstanding any objection from the consumer, the dealer shall have the option of repurchasing a used vehicle and refunding the full repurchase price, less a reasonable allowance for use. A reasonable allowance for use shall be fifteen cents for each mile the used motor vehicle had been operated between its sale and the dealer's repurchase.

(v) If the dealer is required to or elects to repurchase a vehicle under the terms of this section, the consumer and dealer shall cooperate with each other to execute all necessary documents in order to clear the title of any encumbrances on the repurchased vehicle.

(B) It shall be an affirmative defense to any claim under this section that an alleged defect (i) does not impair the vehicle's use or safety, (ii) is the result of owner negligence, abuse, damage caused by accident, vandalism, or, an attempt to repair the vehicle by a person other than the dealer, the dealer's designee, or the manufacturer's representative under clause (ii) of paragraph (A) of subsection (2), (iii) is the result of any attempt by the consumer to modify the vehicle, (iv) was covered or warranted under an express warranty issued by the manufacturer of such used motor vehicle, that such warranty issued by the manufacturer of such used motor vehicle was in effect during the warranty period established by this section, so long as the conditions in said clause (ii) of said paragraph (A) of said subsection (2) are met.

(4) Clear and conspicuous notice of the warranties created by this section, of the rights pertaining thereto, and of the implied warranty of merchantability shall be given to the consumer in writing at the time the consumer purchases a used motor vehicle from the dealer. Failure to provide such notice shall toll the warranty periods under this section until such notice is given.

(5) The secretary of consumer affairs and business regulation shall promulgate rules and regulations to implement the notice provisions of this section. Said rules and regulations shall include the establishment of wording, format, placement, and distribution of all notices specified in this section. In her discretion, and in order to facilitate ease of understanding by consumers, said secretary may consolidate the notices required by this section and any other notices pertaining to the purchase



of motor vehicles; provided, however, that such consolidation does not render the notices inconsistent with any of the provisions of this section or any other law. Each notice required by this section shall describe the procedures available to redress violations of this section and shall contain the telephone number of the attorney general's consumer protection division complaint section and the executive office of consumer affairs and business regulation.

(6) A dealer's failure to comply with any of the provisions of this section shall constitute an unfair or deceptive act under the provisions of chapter ninety-three A.

(7) Notwithstanding any provisions of law to the contrary, this section shall not apply to any used motor vehicle sold by a dealer to a consumer for less than seven hundred dollars.

(8) A private seller shall clearly disclose to any prospective buyer, before the sale is completed, all defects the seller knows of which impair the used motor vehicle's safety or substantially impair its use. Failure to so disclose known defects shall entitle the buyer, within thirty days after the sale, to rescind the sale and be entitled to return of all monies paid to the seller less a reasonable amount for use as defined in clause (iv) of paragraph (A) subsection (3). In any subsequent action by a buyer under this section, if the court finds that the settlement offer was unreasonable in light of the circumstances or that the private seller has otherwise failed to comply with the requirements of this subsection, in addition to damages, it shall award the buyer reasonable attorneys' fees and costs; if the court finds that the buyer's action was frivolous or not in good faith, it shall award the seller reasonable attorneys' fees and costs. It shall be an affirmative defense in any such action that an alleged defect does not impair the vehicle's safety, or substantially impair its use, or that it is the result of the buyer's negligence, abuse, damage caused by accident, vandalism or attempt to modify the vehicle.

(9) Nothing in this section shall be construed in any way to limit the enforceability of any implied warranties created by law, any rights created by section seven N or seven N 1/2, or chapter ninety-three A or any rules and regulations promulgated pursuant thereto, or express warranties given by a dealer in connection with the sale of a used motor vehicle, or any other rights or remedies available to consumers under applicable law.

(10) If a consumer is eligible for relief under the provisions of section seven N 1/2, to have repairs effected or other relief provided under the provisions of an express warranty covering such used motor vehicle issued by the manufacturer of such used motor vehicle, said consumer shall make reasonable effort in accordance with the terms and conditions thereof to obtain such relief or repairs before seeking enforcement of rights under this section. If the consumer, notwithstanding his eligibility to do so, is unable to enforce rights under said section seven N 1/2 or under such express warranty and the dealer provides such relief or, in accordance with the provisions of this section, repurchases such used motor vehicle, the dealer shall be subrogated to the rights of such consumer against such manufacturer under the provisions of said section

seven N 1/2, such express warranty and otherwise in accordance with applicable law, and may enforce the same in his name in the superior court or district court department. Such manufacturer shall hold the dealer harmless from and against all damages, liabilities, losses and reasonable expenses of suit, including reasonable attorneys' fees arising out of or incurred by the dealer by its compliance with the provisions of this section if such manufacturer, having been notified in writing by the dealer that such rights have been asserted by a consumer, fails to resolve the same at its own expense in or within seven business days.

(11) The licensing authorities responsible pursuant to section fifty-nine of chapter one hundred and forty for licensing used motor vehicle dealers shall distribute copies of this section to each dealer licensed at any time a license is granted or renewed.

(12) The provisions of this section shall not apply to the sale of a leased vehicle by a lessor to the lessee of said vehicle, a family member or employee of said lessee or to the sale of a used motor vehicle by an employer to his employee.

(13) Any action brought pursuant to this section shall be commenced within two years of the date of original delivery of the used motor vehicle to the consumer.

**SECTION 2.** Section 58 of chapter 140 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the definition of Class 2 and inserting in place thereof the following definition:-

Class 2. Any person whose principal business is the buying or selling of second hand motor vehicles may be granted a used car dealer's license; provided, however, that such person maintains or demonstrates access to repair facilities sufficient to enable him to satisfy the warranty repair obligations imposed by section seven N 1/4 of chapter ninety. A used car dealer shall remain liable for all warranty repairs made and other obligations imposed by said section seven N 1/4 of said chapter ninety.

The registrar of motor vehicles shall promulgate rules and regulations defining sufficient repair facilities for the holder of a used car dealer's license.

**SECTION 3.** The provisions of sections one of this act shall take effect on July first, nineteen hundred and eighty-eight. The registrar of motor vehicles shall promulgate rules and regulations pursuant to section two of this act on or before June first, nineteen hundred and eighty-eight. The secretary of consumer affairs and business regulation shall promulgate rules and regulations pursuant to section one, specifically the notice provisions and arbitration program, on or before June first, nineteen hundred and eighty-eight.

**SECTION 4.** The provisions of section two shall not be applicable to any person who holds a Class 2 license issued under the provisions of section fifty-eight of chapter one hundred and forty of the General Laws

---

**ACTS, 1987. - Chaps. 290, 291.**

as of June first, nineteen hundred and eighty-eight, until December thirty-first, nineteen hundred and eighty-eight.

Approved July 21, 1987.

---

**Chapter 290. AN ACT RELATIVE TO THE RECORDING OF DOCUMENTS WITH THE REGISTRY OF DEEDS.**

Be it enacted, etc., as follows:

Paragraph (d) of section 6 of chapter 183A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "deeds", in line 5, the words:- ; provided, however, that any statement or document issuing from an unincorporated organization of unit owners may be recorded in a registry of deeds and if so recorded shall indicate and specify therein the book and page, or document number if registered land, within that registry of the instrument from which the signatory or signatories of the statement obtained their authority to sign on behalf of the said unincorporated organization.

Approved July 21, 1987.

---

**Chapter 291. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY CERTAIN LAND IN THE TOWN OF LEICESTER TO EDWIN W. JOHNSTON AND LORRAINE L. JOHNSTON.**

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 Edwin W. Johnston and Lorraine L. Johnston, husband and wife as tenants by the entirety in accordance with the order for judgment dated February sixteenth, nineteen hundred and eighty-three, Worcester County Superior Court civil action #14916, Edwin W. Johnston et al v. Commonwealth of Massachusetts, by a deed approved as to form by the attorney general all the right, title and interest of the commonwealth in a certain tract of land with a well thereon in the town of Leicester, bounded and described as follows:

Beginning at the westerly corner of the tract herein described at a concrete bound located on the easterly sideline of Moose Hill Road

THENCE RUNNING S 70°-19'-06"E, 391.47 feet by other land of Johnston to a concrete bound;

THENCE RUNNING N 41°-19'-52"W, 233.57 feet to a point;

THENCE RUNNING N 70°-19'-06"W, 30.00 feet to a point;

THENCE RUNNING S 73°-55'-09"E, 193.68 feet to a point of the beginning.

---

**ACTS, 1987. – Chap. 292.**

The last three courses being by other land of the Commonwealth.

The above described tract contains twenty-three thousand, eight hundred and fifty-three square feet more or less and is a portion of the land taken in fee in an order of taking dated July eleventh, nineteen hundred and seventy-seven and recorded August ninth, nineteen hundred and seventy-seven at the Worcester district registry of deeds, in book 6255, page 100 and is identified as tract 14 on a plan entitled "Commonwealth of Massachusetts Water Resources Commission, Plan of Land in the Towns of Spencer & Leicester taken for reservoir purposes under the authority of chapter 571 acts of 1962," which is recorded in plan book 441, page 7.

Approved July 21, 1987.

---

**Chapter 292. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN PARCEL OF LAND IN THE TOWN OF SPENCER.**

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 town of Spencer to an individual or entity, subject to the requirements of section two and to such additional terms and conditions as the deputy commissioner may prescribe in consultation with the department of environmental management. The parcel is bounded and described as follows:

Beginning at a point on the southeasterly sideline of Donnelly Cross Road at the most northerly corner of the Parcel to be described, said point being at land now or formerly of the Commonwealth of Massachusetts:

THENCE S 55° 16' 39" E along land now or formerly of the Commonwealth of Massachusetts, a distance of 165.46 feet to a point;

THENCE S 12° 40' 01" W along now or formerly of the Commonwealth of Massachusetts, a distance of 210.64 feet to a point;

THENCE N 56° 39' 32" W, along land now or formerly of the Commonwealth of Massachusetts, a distance of 45.12 feet to a point;

THENCE N 18° 01' 51" E along other land of the Grantee a distance of 153.90 feet to a point;

THENCE N 55° 26' 23" W along other land of the Grantee a distance of 147.00 feet to a point on the southeasterly sideline of Donnelly Cross Road;

THENCE N 25° 13' 18" E along the southeasterly sideline of Donnelly Cross Road, a distance of 50.00 feet to the point of beginning;

The above described Parcel contains 13,953 square feet, more or less, and is shown as Parcel B-1 on a plan by Cullinan Engineering Co., Inc.,

---

**ACTS, 1987. - Chap. 293.**

titled "Plan of Property Owned by (A) George W. Venditti et ux, (A-1) Commonwealth of Massachusetts, (B) Richard C. Fryberg, (B-1) Commonwealth of Massachusetts" and dated February 18, 1986.

The above described parcel is a portion of land taken in fee in an order dated July eleventh, nineteen hundred and seventy-seven and recorded August ninth, nineteen hundred and seventy-seven at the Worcester district registry of deeds in book 6255, page 77 and is identified as tract 3 on a plan entitled "Commonwealth of Massachusetts Water Resources Commission Moose Hill Reservoir Site, Plan of Land in the Town of Spencer and Leicester taken for flood control and related purposes under Authority of Chapter 571, Acts of 1962, Scale 1"=100' Acc. No. 00124 A" which is recorded in the Worcester district registry of deeds in plan book 441, plate 7.

Said tract of land was taken by the water resources commission by virtue of the authority and in the exercise of the powers conferred by chapter five hundred and seventy-one of the acts of nineteen hundred and sixty-two for the purpose of flood prevention and related purposes.

**SECTION 2.** The recipient of said parcel shall assume the costs of appraisals, surveys, and/or other expenses as deemed necessary by the deputy commissioner for the conveyance of this property.

Approved July 21, 1987.

---

**Chapter 293. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN PARCEL OF LAND IN THE TOWN OF SPENCER.**

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 town of Spencer to an individual or entity, subject to the requirements of section two and to such additional terms and conditions as the deputy commissioner may prescribe in consultation with the department of environmental management. The parcel is bounded and described as follows:

Beginning at a point at Parcel A, said point being S 57° 43'58" E, 182.00 feet from the southeasterly sideline of Donnelly Cross Road, said point also being the most southwesterly corner of the parcel herein described;

THENCE N 18° 01'51" E along other land of the Grantee a distance of 153.14 feet to a point;

THENCE S 56° 39'32" E along land now or formerly of the Commonwealth of Massachusetts, a distance of 45.12 feet to a point;

---

**ACTS, 1987. - Chap. 294.**

THENCE S 12° 40'01" W along land now or formerly of the Commonwealth of Massachusetts, a distance of 156.67 feet to a point;

THENCE N 57° 43'58" W along land now or formerly of the Commonwealth of Massachusetts, a distance of 60.00 feet to the point of beginning;

The above described Parcel contains 7,760 square feet, more or less, and is shown as Parcel A-1 on a plan by Cullinan Engineering Co., Inc., titled "Plan of Property Owned by (A) George W. Venditti et ux, (A-1) Commonwealth of Massachusetts (B) Richard C. Fryberg, (B-1) Commonwealth of Massachusetts" and dated February 18, 1986.

The above described parcel is a portion of land taken in fee in an order dated July eleventh, nineteen hundred and seventy-seven and recorded August ninth, nineteen hundred and seventy-seven at the Worcester district registry of deeds, in book 6255 page 75 and is identified as tract 2 on a plan entitled "Commonwealth of Massachusetts Water Resources Commission Moose Hill Reservoir Site, Plan of Land in the Towns of Spencer and Leicester taken for flood control and related purposes under Authority of Chapter 571, Acts of 1962 as amended, Scale 1"=100' Acc. No. 00124 A" which is recorded in the Worcester district registry of deeds in plan book 441 plate 7.

Said tract of land was taken by the water resources commission by virtue of the authority and in the exercise of the powers conferred by chapter five hundred and seventy-one of the acts of nineteen hundred and sixty-two as amended for the purpose of flood prevention and related purposes.

**SECTION 2.** The recipient of said parcel shall assume the costs of appraisals, surveys, and other expenses as deemed necessary by the deputy commissioner for the conveyance of this property.

Approved July 21, 1987.

---

**Chapter 294. AN ACT FURTHER REGULATING CHILD PORNOGRAPHY.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 29A of chapter 272 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "engage", in line 6, the words:- in any live performance or.

**SECTION 2.** Said section 29A of said chapter 272, as so appearing, is hereby further amended by adding the following paragraph:-

As used in this section, the term "performance" shall mean any play, dance or exhibit shown or presented to an audience of one or more persons.

Approved July 21, 1987.

---

**ACTS, 1987. - Chaps. 295, 296.**

**Chapter 295. AN ACT GRANTING FRANCIS C. GAUSS OF THE CITY OF BROCKTON PERMANENT STATUS AS HEAD HOUSEKEEPER.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of chapter thirty-one of the General Laws or any other general or special law to the contrary, Francis C. Gauss of the city of Brockton is hereby granted permanent status as head housekeeper at the Brockton Multi-service Center.

Approved July 21, 1987.

---

**Chapter 296. AN ACT RELATIVE TO CERTAIN EXAMINATIONS AND ANNUAL REPORTS MADE BY OR TO THE COMMISSIONER OF BANKS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section sixteen of chapter 167 of the General Laws is hereby repealed.

**SECTION 2.** Said chapter 167 is hereby amended by striking out section 17, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:-

Section 17. On the first of April of each year, the commissioner shall file a report to the general court on the availability of home mortgages within the commonwealth. This report shall consist of, but not be limited to, the following: (a) the amount of investment in home mortgages made within the commonwealth during the preceding twelve month period, including those mortgages sold to a secondary market, (b) the cost of funds for banks during said preceding period, (c) the availability of funds for home mortgages in the commonwealth, and (d) other factors that, in the commissioner's judgment, reasonably bear upon the extent to which state chartered banks are meeting the home mortgage needs of the commonwealth.

**SECTION 3.** Section 40 of said chapter 167, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "annually at least, and as much oftener as he deems" and inserting in place thereof the words:- at least once in every two calendar years and more often if he deems it.

**SECTION 4.** Section 20 of chapter 168 of the General Laws, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Said report to the commissioner shall consist of, but not be limited to, the following: (a) the name of the officer, trustee or corporator to whom

---

**ACTS, 1987. – Chap. 296.**

any such loan or extension of credit has been made or the fraternal organization, voluntary association, partnership or corporation, the majority of interest of which is owned or controlled by an officer, trustee or corporator of said corporation to which such loan or extension of credit has been made, (b) the original amount of the loan, (c) the date of the loan, (d) the type of loan, (e) if the loan is secured in any manner, the type of secured asset and its valuation, (f) the terms of the payment, (g) the current balance, and (h) the amount of any principal or interest payments in default, if any, and the length of such default. This report shall be deemed to be a public record in accordance with the provisions of section ten of chapter sixty-six.

**SECTION 5.** Section 19 of chapter 170 of the General Laws is hereby amended by striking out the third paragraph, as so appearing, and inserting in place thereof the following paragraph:-

Said report to the commissioner shall consist of, but not be limited to, the following: (a) the name of the officer or director to whom any such loan or extension of credit has been made or the fraternal organization, voluntary association, partnership or corporation, the majority of interest of which is owned or controlled by an officer or director of said corporation to which such loan or extension of credit has been made, (b) the original amount of the loan, (c) the date of the loan, (d) the type of loan, (e) if the loan is secured in any manner, the type of secured asset and its valuation, (f) the terms of the payment, (g) the current balance, and (h) the amount of any principal or interest payments in default, if any, and the length of such default. This report shall be deemed a public record in accordance with the provisions of section ten of chapter sixty-six.

**SECTION 6.** Section 27A of chapter 171 of the General Laws, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Said report to the commissioner shall consist of, but not be limited to, the following: (a) the name of the officer or director to whom any such loan or extension of credit has been made, or the fraternal organization, voluntary association, partnership or corporation, the majority of interest of which is owned or controlled by an officer or director of said credit union to which such loan or extension of credit has been made, (b) the original amount of the loan, (c) the date of the loan, (d) the type of loan, (e) if the loan is secured in any manner, the type of secured asset and its valuation, (f) the terms of the payment, (g) the current balance, and (h) the amount of any principal or interest payments in default, if any, and the length of such default. This report shall be deemed a public record in accordance with the provisions of section ten of chapter sixty-six.

**SECTION 7.** Section 18 of chapter 172 of the General Laws is hereby amended by striking out the third paragraph, as so appearing, and inserting in place thereof the following paragraph:-



---

**ACTS, 1987. – Chap. 297.**

Said report to the commissioner shall consist of, but not be limited to, the following: (a) the name of the officer, director or majority shareholder to whom any such loan or extension of credit has been made or the fraternal organization, voluntary association, partnership or corporation, the majority of interest of which is owned or controlled by an officer, director or majority shareholder of said trust company to which such loan or extension of credit has been made, (b) the original amount of the loan, (c) the date of the loan, (d) the type of loan, (e) if the loan is secured in any manner, the type of secured asset and its valuation, (f) the terms of the payment, (g) the current balance, and (h) the amount of any principal or interest payments in default, if any, and the length of such default. This report shall be deemed a public record in accordance with the provisions of section ten of chapter sixty-six.

**SECTION 8.** Section 8 of chapter 44 of the acts of 1932 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:– The commissioner shall at least once in every two calendar years and at such other times as he may deem necessary examine the affairs of the corporation and report his findings and recommendations to the directors.

**SECTION 9.** Chapter 45 of the acts of 1932 is hereby amended by striking out section 9 and inserting in place thereof the following section:–

**Section 9.** The commissioner shall have the same duties and powers in respect to the central bank as he has in respect to cooperative banks and shall make an examination and audit at least once in every two calendar years and at such other times as he may deem necessary, whereof the actual cost shall be paid by the central bank within thirty days of the receipt of notice from the commissioner.

**SECTION 10.** Chapter 216 of the acts of 1932 is hereby amended by striking out section 6 and inserting in place thereof the following section:–

**Section 6.** The corporation shall make a report to the commissioner of banks, in such form and at such times as he may prescribe, and shall be examined at least once in every two calendar years by said commissioner or his examiners and at such other times as he may deem necessary, the cost of which examination shall be borne by the corporation.

Approved July 21, 1987.

---

**Chapter 297. AN ACT RELATIVE TO THE USE OF THE WORDS "CREDIT UNION".**

Be it enacted, etc., as follows:

Section 4 of chapter 171 of the General Laws, as appearing in the 1986

---

**ACTS, 1987. – Chaps. 298, 299.**

Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– No person, partnership or association, and no corporation except one incorporated under this chapter or corresponding provisions of earlier laws or the Federal Credit Union Act or one incorporated as a credit union under the laws of any other state and authorized to do business in the commonwealth, shall hereafter receive payments on shares or deposits from its members and loan such payments on shares and deposits in the manner of a credit union or transact business under any name or title containing the words "credit union"; provided, however, that an association of credit unions or an organization, corporation or association, whose membership or ownership is primarily limited to credit unions, may transact business in accordance with the purposes for which it was established under any name or title containing the words "credit union".

Approved July 21, 1987.

---

**Chapter 298. AN ACT AUTHORIZING THE TOWN OF MILLIS TO TRANSFER CERTAIN PARK LAND TO THE HISTORICAL COMMISSION.**

Be it enacted, etc., as follows:

The town of Millis is hereby authorized to transfer care, custody and control of a certain parcel of park land known as the Oak Grove Farmhouse from the department of public works to the historical commission of said town to be managed by said commission under the provisions of section eight D of chapter forty of the General Laws.

Approved July 21, 1987.

---

**Chapter 299. AN ACT AUTHORIZING AND DIRECTING THE SECRETARY OF ADMINISTRATION TO PROVIDE FOR THE AFFIXATION OF POW/MIA DECALS ON ALL PASSENGER MOTOR VEHICLES OWNED BY THE COMMONWEALTH.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, the secretary of administration is hereby authorized and directed to provide for the affixation of POW/MIA decals on the lower corner of the rear window farthest removed from the driver on all passenger motor vehicles owned by the commonwealth; provided, however, that said decals are supplied to the commonwealth without cost.

Approved July 21, 1987.

---

**ACTS, 1987. - Chaps. 300, 301, 302.**

**Chapter 300. AN ACT RELATIVE TO THE IDENTIFICATION OF FIREARMS.**

Be it enacted, etc., as follows:

Chapter 140 of the General Laws is hereby amended by striking out section 121A, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:-

Section 121A. A certificate by a ballistics expert of the firearms identification section of the department of public safety or of the city of Boston of the result of an examination made by him of an item furnished him by any police officer, signed and sworn to by such expert, shall be prima facie evidence of his findings as to whether or not the item furnished is a firearm, rifle, shotgun, machine gun, sawed off shotgun or ammunition, as defined by section one hundred and twenty-one, provided that in order to qualify as an expert under this section he shall have previously qualified as an expert in a court proceeding.

Approved July 21, 1987.

---

**Chapter 301. AN ACT RELATIVE TO THE CONVEYANCE OF A CERTAIN LAND IN THE TOWN OF MIDDLEBOROUGH.**

Be it enacted, etc., as follows:

The town of Middleborough, acting by and through its board of selectmen is hereby authorized to convey a certain portion of land located at the Cross street well site consisting of two hundred and twenty-five square feet, more or less, and shown as Parcel "F" on a "Plan of Land in Middleborough, Massachusetts for Paul M. Redlon" dated September eighth, nineteen hundred and eighty-six, revised November twenty-eighth, nineteen hundred and eighty-six, drawn by Donald P. MacNeill, and on file with the town clerk.

Approved July 21, 1987.

---

**Chapter 302. AN ACT RELATIVE TO THE DISCONTINUANCE OF MOBILE HOME PARKS IN THE CITY OF PEABODY.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 1 of chapter 131 of the acts of 1976 is hereby amended by adding the following paragraph:-

Whereas, A serious public emergency exists in the city of Peabody with respect to the housing of a substantial number of citizens of said city, which emergency has been created by the threatened discontinuance of the use of certain mobile home parks by certain

owners of said mobile home parks; that unless discontinuances of mobile home parks are regulated and controlled by the city of Peabody, such emergency will produce serious threats to the public health, safety, and welfare of the citizens of Peabody, and will produce a drastic loss of housing units, will increase homelessness, and will cause the loss of many residents' life savings, especially the elderly.

**SECTION 2.** Said chapter 131 is hereby further amended by striking out section 3 and inserting in place thereof the following section:-

Section 3. Regulating rents. (a) The rent board established under section two shall make such individual or general adjustments of rents, either upward or downward for any mobile home park accommodation, or any class of mobile home park accommodations, as may be necessary to assure that rents for mobile home park accommodations are established at levels which yield to owners a fair net operating income for such accommodations. For the purposes of this section, the word "class" shall include all mobile accommodations within said city, or any categories of such accommodations based on size, age, construction, rent, geographic, or other common characteristics providing the board has by regulation defined any such categories.

(b) The following factors, among other relevant factors which the board by regulation may define, shall be considered in determining whether a controlled rental unit yields a fair net operating income: (1) increases or decreases in property taxes; (2) unavoidable increases or any decreases in operating and maintenance expenses; (3) capital improvement of the housing 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 dwelling units other than as a result of ordinary wear and tear; and (6) failure to perform ordinary repair, replacement and maintenance.

**SECTION 3.** Said chapter 131 is hereby further amended by inserting after section 7 the following section:-

Section 7A. Discontinuance Permits. (1) Scope.

The provisions of this section regarding the discontinuance of the use of part, or all of the land owned and licensed as a mobile home park shall apply to all mobile home parks and mobile home park accommodations.

(2) Definition of "Discontinuance".

When used in this act the term "discontinuance" shall include any change of use or discontinuance of the use of part, or all of the land owned and licensed as a mobile home park requiring a two year notice pursuant to subsection 8 of section thirty-two L of chapter one hundred and forty of the General Laws. The term "discontinuance" shall include, but is not limited to, the licensee's conversion of the mobile home park, or part thereof, to a condominium or cooperative corporation.

(3) Discontinuance Prohibited.

It shall be unlawful for any person to discontinue the use of part or all of the land owned and licensed as a mobile home park without having

first obtained a discontinuance permit from the city council subject to the provisions contained in this act.

(4) Discontinuance Permit Procedure.

(a) The city council shall consider an application for a discontinuance permit for a mobile home accommodation upon receipt of an application filed by the licensee or other authorized person. The city council shall forward said application within fourteen days to the rent control board.

(b) The rent control board shall schedule a public hearing within sixty-five days of receipt of the application. Notice of the time and place of such public hearing, of the subject matter, sufficient for identification, shall be published in a newspaper of general circulation in the city of Peabody once in each of two successive weeks, the first publication to be not less than fourteen days before the date of the public hearing and by posting such notice in a conspicuous place in city hall for a period of not less than fourteen days before the day of said hearing. The rent control board shall also notify all tenants living in the affected mobile home accommodations of the time, place and subject matter of the public hearing. No defect in the form of any notice under this section shall invalidate any grant or denial of a discontinuance permit unless such defect is found to be misleading.

(c) No vote by the city council to grant or deny a discontinuance permit shall be taken until a report with recommendations by the rent control board has been submitted to the city council or twenty-one days after said hearing have elapsed without submission of such report. After such notice, hearing and report, or after twenty-one days shall have elapsed after such hearing without submission of such report, the city council may vote to grant or deny the discontinuance permit. If the city council fails to vote on the proposed discontinuance permit within ninety days after such hearing, no action shall be taken thereon until after a subsequent public hearing is held with notice and report as above provided.

(d) No discontinuance permit may be granted except by a majority vote of the city council.

(e) Notwithstanding any other provision of this section, the rent control board may, without holding a hearing, recommend the denial of a discontinuance permit if a decision has been made with regard to the discontinuance of a mobile home park accommodation within the preceding twelve months, and if the park licensee fails, in the new application, to allege a substantial change of circumstances since the previous hearing which would merit the rent control board in hearing new evidence. In addition, the rent control board may recommend denial of the discontinuance permit without holding a hearing if the application is not in conformance with the requirements of this section or other applicable regulations.

(5) Discontinuance Permit Criteria.

In determining whether to recommend that the city council grant or deny a discontinuance permit, the rent control board shall consider the aggravation of the shortage of safe, decent and affordable mobile home park accommodations in Peabody, which may result from the

discontinuance, especially for tenants of low and moderate income and handicapped or elderly persons on fixed incomes. In making such determination the rent control board shall make findings of the following factors:

(a) the benefits and detriments to the persons whom this act and this section seek to protect;

(b) the hardships imposed on the tenant residing in the mobile home accommodations proposed to be discontinued;

(c) circumstances demonstrating hardship and inequity to the licensee seeking a discontinuance permit;

(d) the rate of vacancy of mobile home accommodations in the city of Peabody at the time the licensee applies for a discontinuance permit and the average rental rates for said available accommodations;

(e) the availability of land zoned and otherwise suitable for development or expansion of mobile home parks.

The rent control board, in its discretion, may also review other relevant factors in making its report and recommendations.

For purposes of this act, the "vacancy rate" shall be defined as that percentage of the mobile home parks accommodations which are empty of mobile homes and are offered for rental to mobile home tenants. Further, to be considered a "vacancy" the rental offer of the mobile home park accommodation must be without entrance fee; without restrictions as to the age, size or character of the mobile home, and; without a requirement that the prospective tenant purchase a mobile home from the park owner.

In its report, the rent control board shall determine the current vacancy rate for comparable mobile home park accommodations in the city of Peabody. Any parties involved may submit evidence presented to the rent control board at the public hearing.

(6) Additional Provisions.

(a) The licensee or applicant seeking a discontinuance permit must make application to the city council for said permit within thirty days of serving the tenants with the notices required under the provisions of subsection 8 of section thirty-two L of chapter one hundred and forty of the General Laws.

(b) Notwithstanding the above, no eviction certificate shall be issued by the rent control board because of the discontinuance of the use of all or a part of a mobile home park unless a discontinuance permit has been issued by the city council.

**SECTION 4.** The provisions of this act shall not apply to mobile home parks which have sent out notices of a change of use or discontinuance under the provisions of subsection 8 of section thirty-two L of chapter one hundred and forty of the General Laws prior to the effective date of this act.

Approved July 21, 1987.

---

ACTS, 1987. - Chap. 303.

**Chapter 303. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 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 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 specified, the sums so appropriated to be in addition to any amounts available for the purpose.

**SECTION 1A.** To provide for a program of studies, preparation of plans, construction, reconstruction, renovation, alteration, and improvement of various state institutions and properties, and for the purchase of furnishings, equipment and motor vehicles, the sums set forth in sections two D through two F, 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

0111-0000	For the compensation of senators, prior appropriation continued	\$400,000
-----------	---	-----------

House of Representatives.

0121-0000	For the compensation of representatives	\$1,600,000
-----------	---	-------------

Other Expenses.

0185-7865	For the expenses of the special commission to make an investigation and study relative to the establishment of a department of medical services, established by chapter one hundred and ninety-nine of the acts of nineteen hun-	
-----------	--	--

---

ACTS, 1987. - Chap. 303.

dred and eighty-seven; provided, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-eight \$150,000

0185-7866 For the expenses of the special commission to make an investigation and study relative to the criminal justice system established by chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven; provided, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-eight \$150,000

**JUDICIARY.**

Trial Court.

0330-0398 For a certain court settlement entered in Hampden Superior court, civil action number 85-263 \$4,500

0330-0399 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 \$2,000

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 \$300,000

0330-0701 For a reserve to meet the fiscal year nineteen hundred and eighty-six and nineteen hundred and eighty-seven costs of certain salary adjustments and other employee economic benefits authorized by chapter five hundred and nineteen of the acts of nineteen hundred and eighty-six; provided, that the chief administrative justice of the trial court is hereby authorized to transfer from the sum appropriated herein to other items of appropriation and allocations thereof for the fiscal years nineteen hundred and eighty-seven and nineteen hundred and eighty-eight 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 the secretary of administration and finance is authorized to allocate the cost of such ad-



---

ACTS, 1987. - Chap. 303.

justments and benefits to the several state or other funds to which such items of appropriation are charged; provided further, that no transfers shall be made as authorized herein without prior notification to the house and senate committee on ways and means; and provided further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-eight

\$2,073,237

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, however, that the hiring of employees for said positions shall be in accordance with all laws regulating discrimination in hiring practices including, but not limited to, the provisions of the ninth paragraph of section nine of chapter two hundred and eleven B of the General Laws; provided further, that the allocation from this account shall be based upon schedules 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-eight, including not more than twenty positions

\$200,000

Superior Court.  
For Salaries and Expenses.

0331-3399 For

the payment of a certain court judgment entered in Suffolk superior court, civil action number 57859

\$6,000

District Courts.  
For Salaries and Expenses.

0332-1400 District court of central Berkshire (Pittsfield), including not more than twenty-two positions

\$4,534

0332-2700 District court of southern Essex (Lynn), including not more than fifty-two positions

\$25,975

0332-4700 Fourth district court of eastern Middlesex (Woburn), including not more than fifty-six positions

\$2,000

0332-8200 Northern Essex juvenile probation district, including not more than twenty-five positions

\$3,465

0332-8300 Berkshire juvenile probation district, including not more than seven positions

\$4,191

---

**ACTS, 1987. – Chap. 303.**

**Probate and Family Court Department.**  
**For Salaries and Expenses.**

0333-0200 Berkshire, including not more than fifteen positions \$12,000  
0333-0600 Franklin, including not more than eleven positions \$4,500

**Committee on Probation.**

0339-1001 For the office of the commissioner of probation; provided, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-eight, including not more than one hundred and thirty-two positions \$925,000

**DISTRICT ATTORNEY.**

0340-2100 For a reserve for the implementation and related expenses of the prosecution management system (PROMIS); provided, that funds may be transferred from this item to other items of appropriation; provided further, that expenses may be charged directly to this item; and provided further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-eight \$400,000

**SECRETARY OF THE COMMONWEALTH.**

0519-0100 For payment of the expenses incurred by the decennial census commission in determining and verifying the census for the city of Boston \$35,000  
0531-0100 For the expenses and administration of the office of campaign and political finance, to be in addition to other funds already appropriated, and provided that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-eight \$7,500

**TREASURER AND RECEIVER-GENERAL.**

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

---

ACTS, 1987. - Chap. 303.

	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	\$813,867
	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	\$176,400
0612-1001 For	a reserve to meet the cost of the commonwealth's share in financing the state employees' retirement system; provided that the treasurer and receiver-general is authorized to transfer funds from this item to item 0612-1000; and provided, further, that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-eight	\$17,716,500

Debt Service.

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	\$1,424,992
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	\$500
	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	\$5,157,506
	Highway Fund	100.0%
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	\$67,146

---

**ACTS, 1987. – Chap. 303.**

0699-8400 For	the payment of interest on 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 the Local Aid Fund	
	Local Aid Fund	\$448,383
		100.0%

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.**  
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 shall conduct and complete an update to a data processing survey, 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 or 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; and provided further, that 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 not exceeding in the aggregate forty-three thousand two hundred twenty dollars for certain contracted services rendered during the period of January twelve through March thirty, nineteen hundred and eighty-seven, 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.

1102-3210 For the administration of the division of capital planning and operations; provided, that not-

---

ACTS, 1987. - Chap. 303.

withstanding 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; and provided further, that a certain prior year salary adjustment in an amount not exceeding eighteen thousand five hundred forty-four dollars approved in American Arbitration Association case number 1139-1011-86 shall be allowed and paid from this item.

1102-3297 For	the payment of a certain court judgment entered in Bristol superior court, civil action number 11506	\$57,611
1102-3298 For	the payment of a certain court judgment entered in Suffolk superior court, civil action number 21491	\$340,179

---

ACTS, 1987. - Chap. 303.

Bureau of State Buildings.

- 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; provided, that certain prior year expenses not to exceed eleven thousand five hundred and six dollars shall be allowed and paid from this item, including not more than one hundred sixty-eight positions \$11,506

Office of Employee Relations.

- 1105-3611 For the purpose of meeting the commonwealth's obligations pursuant to the provisions of article nineteen of the collective bargaining agreement between the commonwealth and the Massachusetts Organization of State Engineers and Scientists - Unit 9, provided that this appropriation shall expire June thirtieth, nineteen hundred and eighty-eight \$147,000
- 1105-3612 For the purpose of meeting the commonwealth's obligations pursuant to the provisions of article eighteen of the collective bargaining agreement between the commonwealth and the Metropolitan Police Patrolmen's Union - Unit 5B, provided that this appropriation shall expire June thirtieth, nineteen hundred and eighty-eight \$16,000

Department of Personnel Administration.

- 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

---

ACTS, 1987. - Chap. 303.

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 shall be obligated to enhance the quality of guide charts utilized in the job evaluation process; and provided further, that said funds obligated for the purpose to enhance the quality of guide charts utilized in the job evaluation process that have not been expended by June thirtieth, nineteen hundred eighty-seven shall remain available for expenditure in fiscal year nineteen hundred and eighty-eight; including not more than two hundred and thirty-three positions.

1107-9995 For	the payment of certain court judgment entered in United States district court, district of Massachusetts, civil action numbers 74-2982-C and 70-1220-W	\$104,236
1107-9996 For	the payment of a certain court judgment entered in United States district court, district of Massachusetts, civil action number 72-3060-MC	\$20,262
1107-9997 For	the payment of a certain court settlement agreement approved in Department of Personnel and Administration, case number 86-BEM-0984	\$25,000
1107-9998 For	the payment of a certain settlement agreement approved in Massachusetts commission against discrimination case number 86-BEM-0546	\$5,593
1107-9999 For	the payment of a certain settlement agreement approved in Massachusetts commission against discrimination case number 86-BEM-0393	\$2,312
1108-1010 For	the expenses of the Massachusetts employee assistance program; provided, that funds appropriated herein shall be expended only for direct services through contracted vendors; and provided further that this appropriation shall expire June thirtieth, nineteen hundred and eighty-eight	\$319,343
1108-4301 For	a reserve to meet the cost of the commonwealth's share in financing the teachers' retirement system; provided that the com-	



---

ACTS, 1987. - Chap. 303.

missioner of administration is authorized to transfer funds from this item to item 1108-4300; and provided, further, that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-eight \$17,716,500  
Local Aid Fund 100.0%

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; and provided further, that 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 payment in an amount not exceeding three thousand dollars for certain contracted services rendered during the period February first through May thirtieth, nineteen hundred and eighty-seven, 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.

**DEPARTMENT OF REVENUE.**

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 C 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 reporting 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

---

ACTS, 1987. - Chap. 303.

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 and provided, further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-eight \$4,700,000

Highway Fund	10.0%
General Fund	90.0%

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; and provided further, that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-eight \$2,500,000
- 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, however, that the commissioner of administration is hereby authorized to advance to the county treasurer of each county the sum 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-three thousand five hundred and three dollars; Dukes, fifty-eight thousand seven hundred and forty dollars; Essex, three hundred sixty-six 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; Hamp-

---

ACTS, 1987. - Chap. 303.

	shire, one hundred sixty-three thousand two hundred and six dollars; Middlesex, five hundred ninety-four thousand five hundred and eighteen dollars; Norfolk, four hundred fifteen thousand nine hundred and fifty-one dollars; Plymouth, three hundred seventy-one thousand nine hundred and ninety-four dollars; Suffolk, three hundred seventy-eight thousand nine hundred and sixty-two 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; 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 appropriated herein and that any unexpended balance of such fund as of June thirtieth, nineteen hundred and eighty-seven, shall be returned to the commonwealth, and provided further, that not less than forty thousand dollars appropriated herein shall be available for expenditure in fiscal year nineteen hundred and eighty-eight by the county of the Norfolk	\$40,000
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	
1599-3645 For	the purpose of discharging a moral obligation for the unpaid compensation of employees and contracted personnel of the Coastal Community Counseling Center, so-called, who provided essential mental health services in fiscal year nineteen hundred and eighty-seven, prior to the appointment of a receiver; provided, that said receiver certifies these costs to the comptroller; provided further, that the superior court in which the receivership action against said center was com-	\$68,210

---

**ACTS, 1987. – Chap. 303.**

	menced, approves of said costs as reasonable; provided further, that repayment be made to the general fund of the commonwealth should funds become available; provided further, that all expenditures from this appropriation shall be made according to a schedule of payments approved by said superior court; and provided further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-eight	\$104,000
1599-3698 For	the payment of a certain court order entered in United States district court, district of Massachusetts, civil action number 79-2463 MA	\$21,455
1599-3699 For	the payment of a certain court judgment entered in United States district court, district of Massachusetts, civil action numbers 75-5210-T and 75-5023-T	\$35,500

**EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.**  
**Office of the Secretary.**

2000-0999 For	the payment of a certain court judgment entered in Hampden superior court, civil action number 81-934	\$374
---------------	---	-------

**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.**

2100-0990 For	the payment of a certain court judgment entered in Hampden superior court, civil action number 81-959	\$2,082
2100-0991 For	the payment of a certain court judgment entered in Suffolk superior court, civil action number 75951	\$25,000
2100-0992 For	the payment of a certain court judgment entered in Suffolk superior court, civil action number 44979	\$304,955
2100-0993 For	the payment of a certain court judgment entered in Norfolk superior court, civil action number 137765	\$63,000
2100-0994 For	the payment of a certain court judgment entered in Middlesex superior court, civil action number 81-626	\$20,000

**DEPARTMENT OF FISHERIES, WILDLIFE AND ENVIRONMENTAL LAW ENFORCEMENT.**  
**Division of Environmental Law Enforcement.**

2350-0100 For	the administration of the division of environ-	
---------------	--	--

---

**ACTS, 1987. - Chap. 303.**

mental 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; and provided further, that 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 payment in an amount not exceeding five thousand five hundred dollars for certain contracted services rendered during the period October fourteenth through thirty-first, 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.

**DEPARTMENT OF THE METROPOLITAN DISTRICT COMMISSION.**  
**Division of Watershed Management.**

- |           |   |       |
|-----------|---|-------|
| 2420-0999 | For the payment of a certain court judgment entered in Suffolk superior court, civil action number 78256  | \$500 |
| 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; provided further, that the certain prior year obligations in an amount not exceeding seven thousand four hundred sixty-five dollars shall be allowed and paid from this item. |       |

**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 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 reservation; 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 further, 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 unless 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; and provided further, that any unexpended amount, not to exceed two hundred thousand dollars, shall be available for expenditures and obligation in fiscal year nineteen hundred and eighty-eight; provided that employee compensation not to exceed two thousand nine hundred seventy dollars and eight cents may be paid from this item for services performed out of title from January first to October nineteenth, nineteen hundred and eighty-six.

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; and provided fur-

---

**ACTS, 1987. – Chap. 303.**

	ther, that certain prior year expenses in an amount not exceeding two hundred and sixty-five dollars shall be allowed and paid from this item.	
	Local Aid Fund	33.0%
	Highway Fund	67.0%
2440-0965 For	the payment of a certain court judgment entered in Norfolk superior court, civil action number 138872	\$600
2440-0966 For	the payment of a certain court judgment entered in Norfolk superior court, civil action number 135573	\$2,600
2440-0967 For	the payment of a certain court judgment entered in Suffolk superior court, civil action number 69568	\$15,000
2440-0968 For	the payment of a certain court judgment entered in Suffolk superior court, civil action number 56058	\$1,500
2440-0969 For	the payment of a certain court judgment entered in Norfolk superior court, civil action number 138402	\$1,000
2440-0970 For	the payment of a certain court judgment entered in Middlesex superior court, civil action number 77-278	\$75,000
2440-0971 For	the payment of a certain court judgment entered in Suffolk superior court, civil action number 52019	\$2,000
2440-0972 For	the payment of a certain court judgment entered in Suffolk superior court, civil action number 51321	\$4,000
2440-0973 For	the payment of a certain court judgment entered in Suffolk superior court, civil action number 51048	\$4,000
2440-0974 For	the payment of a certain court judgment entered in Middlesex superior court, civil action number 81-287	\$35,000
2440-0975 For	the payment of a certain court judgment entered in Suffolk superior court, civil action number 48770	\$1,200
2440-0976 For	the payment of a certain court judgment entered in Suffolk superior court, civil action number 53540	\$5,000
2440-0977 For	the payment of a certain court judgment entered in Suffolk superior court, civil action number 51760	\$1,500
2440-0978 For	the payment of a certain court judgment entered in Plymouth superior court, civil action number 84-19270	\$700

---

ACTS, 1987. - Chap. 303.

2440-0979	For the payment of a certain court judgment entered in Suffolk superior court, civil action number 61654	\$700
2440-0980	For the payment of a certain court judgment entered in Middlesex superior court, civil action number 80-5914	\$700
2440-0981	For the payment of a certain court judgment entered in Suffolk superior court, civil action number 60646	\$16,000
2440-0982	For the payment of a certain court judgment entered in Norfolk superior court, civil action number 133685	\$5,000
2440-0983	For the payment of a certain court judgment entered in Suffolk superior court, civil action number 48856	\$9,000
2440-0984	For the payment of a certain court judgment entered in Suffolk superior court, civil action number 52696	\$700
2440-0985	For the payment of a certain court judgment entered in Suffolk superior court, civil action number 46406	\$3,000
2440-0986	For the payment of a certain court judgment entered in Suffolk superior court, civil action number 47738	\$60,000
2440-0987	For the payment of a certain court judgment entered in Suffolk superior court, civil action number 53131	\$600
2440-0988	For the payment of a certain court judgment entered in Suffolk superior court, civil action number 51871	\$5,000

**EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.**

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, and for regional and sub-regional planning and growth management activities; provided that this appropriation shall not expire until June thirtieth, nineteen hundred and eighty-eight	\$200,000
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 to 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; and provided further, that this appropriation shall not expire until June thirtieth, nineteen hundred and eighty-eight

\$100,000

**EXECUTIVE OFFICE OF HUMAN SERVICES.**

Office of the Secretary.

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 instance 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 administration expenses of the bureau of transitional planning; provided further, that certain prior year personnel expenses not to exceed nine hundred thirty-five dollars shall be allowed and paid from this item, including not more than fifty-nine positions.

4000-0103 For a reserve to meet the costs of receivership actions brought by the commonwealth against the Coastal Community Counseling Center, so-called; provided, that the receiver certifies to the comptroller that these costs were incurred during the provision of essential services; provided further, that the superior court in which the receivership action was commenced, approves of said costs of the receivership as reasonable; provided further, that repayment be made to the general fund

---

ACTS, 1987. - Chap. 303.

	of the commonwealth should funds become available; provided further, that all expenditures from this reserve shall be made according to a schedule of payments approved by said superior court; provided however, that prior to the expenditure of any funds from this reserve, said receiver shall submit to the house and senate committees on ways and means a plan approved by said superior court for the resolution of said receivership; provided further, that said plan shall include a date certain by which said receivership shall end; and provided further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-eight	\$118,000
4000-0720 For	a program of technical assistance and purchases of services in support of preparation and implementation of comprehensive community plans for teenage pregnancy prevention; provided, that applications for such funds shall be administered through the executive office of human services upon receipt and approval of coordinated community service plans to be evaluated in accordance with guidelines issued by said executive office; and provided further, that portions of said grants may be used for state agency purchases of designated services identified by said community service plans; provided further, that not less than eighty-nine thousand dollars be obligated for a pregnancy prevention program in Holyoke; provided further, that this appropriation shall be in addition to any other funds appropriated for this purpose; and provided further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-eight	\$200,000
4000-0999 For	the purpose of a certain court judgment entered in Suffolk superior court, civil action number 32336	\$194,859

Purchase of Service Division.

4001-0000 For	an office of contract management only, 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, a report containing the total amount of contract obli-
---------------	--

---

ACTS, 1987. - Chap. 303.

gation and total appropriation amounts obligated by department and service type; 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; provided further, that this appropriation shall be in addition to any other funds appropriated for this purpose; provided further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-eight, including not more than twenty-five positions

\$113,051

4001-0001 For a purchase of service training institute to be established by the office of contract management in conjunction with the office of the state auditor; provided that this appropriation shall expire June thirtieth, nineteen hundred and eighty-eight, including not more than two positions

\$160,000

COMMISSION FOR THE BLIND.

4110-2040 For certain social services programs; provided, that not less than two hundred and six thousand nine hundred and sixty dollars be obligated for a radio reading program for the blind; provided further, that the commissioner shall report quarterly to the house and senate committees on ways and means the number of deaf-blind clients and the amount expended for each type of service; provided further, that said report shall also include the number of deaf-blind clients waiting for services, and their estimated costs, including not more than sixty-three positions; provided further, that four hundred and one thousand nine hundred and thirty-five dollars of this appropriation shall expire June thirtieth, nineteen hundred and eighty-eight

\$401,935

Bureau of Rehabilitation.

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

---

**ACTS, 1987. - Chap. 303.**

state employees, provided further, that four hundred thousand dollars of this appropriation shall be available for expenditure during the fiscal year ending June thirtieth, nineteen hundred and eighty-eight.

Office for Children.

4130-0999 For the payment of a certain legal settlement approved by court order entered in Bristol superior court, docket number 86E 0018-GI \$580,606

**VETERANS SERVICES.**

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 \$359,343

Soldiers' Home in Massachusetts.

4180-0999 For the payment of a certain court judgment entered in Middlesex superior court, civil action number 80-5525 \$35,000

**DEPARTMENT OF CORRECTION.**

4349-0010 For the purchase, operation and repair of vehicles used by the department for prisoner transportation \$300,000

Parole Board.

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

---

**ACTS, 1987. - Chap. 303.**

and thirty-five positions, provided that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-eight \$150,000

**DEPARTMENT OF PUBLIC WELFARE.**

4400-0997 For the payment of a certain court judgment entered in United States District Court, District of Massachusetts, civil action number 74-5877-T \$171,300  
4402-5020 For inpatient hospital care \$15,000,000

**DEPARTMENT OF PUBLIC HEALTH.**

4510-0104 For the provision of funds to supplement the federal preventive health and health services block grant; provided, that funds shall not be obligated for administrative costs at the department of public health; provided further, that this appropriation shall not expire until June thirtieth, nineteen hundred and eighty-eight \$153,000  
4510-0601 For a program for licensing of radiologic technologists pursuant to chapter five hundred and thirty-one of the acts of nineteen hundred and eighty-six, including not more than two positions; provided further, that this appropriation shall not expire until June thirtieth, nineteen hundred and eighty-eight \$43,200  
4510-0795 For a program of nursing services within the central office of emergency medical services, provided further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-eight, including not more than two positions \$45,000  
4510-0999 For the payment of a certain court judgment entered in Hampden superior court, civil action number 81-1119 \$906  
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; 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 for month cost of providing

dental services at the state schools, including not more than six positions; and provided further, that certain prior years obligations in an amount not to exceed forty-seven thousand four hundred and fifty-three dollars shall be allowed and paid from this item.

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; 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 further that not less than one hundred and seventy-eight thousand dollars shall be obligated for home care for disabled children; 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 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; and provided further, that certain prior years obligations in an amount not exceeding one hundred thousand dollars shall be allowed and paid from this item.

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 ways and means; provided

further, that the department shall report quarterly to the house and senate committees on ways and means 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; 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 service providers, including not more than twenty-three positions; and provided further, that certain prior years obligations in an amount not to exceed twenty-five thousand dollars shall be allowed and paid from this item.

**DEPARTMENT OF SOCIAL SERVICES.**

4800-0028 For a reserve to fund an increase in foster care, adoption and guardianship subsidies; provided that such increases 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 further, that funds may be transferred from this appropriation to items of appropriation 4800-0020 and 4800-0200; provided further, that one hundred thousand dollars shall be obligated to provide services to women in transition; provided further, that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-eight \$100,000



---

ACTS, 1987. - Chap. 303.

DEPARTMENT OF MENTAL HEALTH.

5011-0973	For the payment of a certain court judgment entered in Norfolk superior court, civil action #84-3309	\$1,500
5011-0974	For the payment of a certain court judgment entered in Middlesex superior court, civil action #81-6099	\$100,000
5011-0975	For the payment of a certain court judgment entered in Suffolk superior court, civil action #58462	\$47,500
5011-0976	For the payment of a certain court order entered in the United States court of appeals for the first circuit, civil action number 86-1777	\$990,000
5011-0977	For the payment of a certain settlement agreement entered in Hampshire superior court, civil action number 82-072	\$225,000
5011-0978	For the payment of a certain court judgment entered in Hampden superior court, civil action number 86-651	\$6,800
5011-0979	For the payment of a certain settlement agreement entered in Hampshire superior court, civil action number 82-233	\$68,000
5011-0980	For the payment of a certain court judgment entered in Suffolk superior court, civil action number 85974	\$69,340
5011-0981	For the payment of a certain court judgment entered in Suffolk superior court, civil action number 68385	\$304
5011-0982	For the payment of certain attorney's fees pursuant to a certain stipulation of dismissal entered in United States district court, district of Massachusetts, civil action number 86-1473-MA	\$8,631
5011-0983	For the payment of a certain court order entered in United States district court, district of Massachusetts, civil action number 72-571-MC	\$46,480
5011-0984	For the payment of a certain court judgment entered in Middlesex superior court, civil action number 81-3206	\$100,180
5011-0985	For the payment of a certain court judgment entered in Suffolk superior court, civil action number 81676	\$7,063
5011-0986	For payment of certain attorney's fees in accordance with the terms of a settlement recommended by the attorney general's office, file number T-2870	\$18,771

---

ACTS, 1987. - Chap. 303.

5011-0987 For	the payment of a certain court judgment entered in Hampshire superior court, civil action number 82-151	\$281
5011-0988 For	the payment of a certain court judgment entered in Suffolk superior court, civil action number 82828	\$496
5011-0989 For	the payment of a certain court judgment entered in Suffolk superior court, civil action number 81264	\$336
5011-0990 For	the payment of a certain court judgment entered in Suffolk superior court, civil action number 72725	\$32,500
5011-0991 For	the payment of a certain court judgment entered in United States district court, district of Massachusetts, civil action number 76-4423-F	\$70,840
5011-0992 For	the payment of a certain court judgment entered in Suffolk superior court, civil action number 36983	\$21,472
5083-0100 For	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	

available for the Templeton Colony of the Walter E. Fernald state school and not more than two thousand two hundred and fifty positions be available for the Wrentham state school; provided further, that a sum not to exceed three hundred fifty dollars shall be allowed and paid from this item for a moral obligation as authorized by chapter eight of the acts of nineteen hundred and eighty-six; provided further, that a certain shortage in the John T. Berry rehabilitation center patient fund account in the amount of five thousand five hundred ninety-nine dollars and eighty-nine cents shall be allowed and paid from this item.

**EXECUTIVE OFFICE FOR TRANSPORTATION AND CONSTRUCTION.  
DEPARTMENT OF PUBLIC WORKS.**

Highway Activities.

Administrative and Engineering Expenses.

- 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 \$980,000
- 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

---

**ACTS, 1987. - Chap. 303.**

to chapter thirty-one of the General Laws, including not more than three thousand four hundred and thirty-eight positions; and provided further, that an amount not to exceed seventy-five 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.

	Highway Fund	100.0%	
6010-0022 For	the planning, development and implementation of traffic mitigation, direction and abatement efforts related to the construction of and improvements to the Central Artery/North Area project; provided further, that this appropriation shall not expire until June thirtieth, nineteen hundred and eighty-eight	\$2,000,000	
	Highway Fund	100.0%	
6010-0025 For	grants to cities and towns with populations of less than fifty thousand for the planning, design and implementation of projects to alleviate traffic congestion of various locations as determined by the department of public works; provided further, that this appropriation shall not expire until June thirtieth, nineteen hundred and eighty-eight	\$200,000	
	Local Aid Fund	100.0%	
6020-2520 For	a preliminary study and engineering design for repairs to the West Street Bridge in Springfield and Ludlow; provided, that these funds shall not expire until June thirtieth, nineteen hundred and eighty-eight	\$60,000	
6020-2580 For	the payment of a certain court judgment entered in Norfolk superior court, civil action number 30708	\$15,000	
6020-2581 For	the payment of a certain court judgment entered in Plymouth superior court, civil action number 84-19120	\$300	
6020-2582 For	the payment of a certain court judgment entered in Bristol superior court, civil action number 17168	\$500	
6020-2583 For	the payment of a certain court judgment entered in Suffolk superior court, civil action number 67629	\$3,000	
6020-2584 For	the payment of a certain court judgment entered in Middlesex superior court, civil action number 86-2170	\$2,400	

---

**ACTS, 1987. - Chap. 303.**

6020-2585	For the payment of a certain court judgment entered in Suffolk superior court, civil action number 55983	\$500
6020-2586	For the payment of a certain court judgment entered in Suffolk superior court, civil action number 63-114	\$14,000
6020-2587	For the payment of a certain court judgment entered in Norfolk superior court, civil action number 130845	\$2,000
6020-2588	For the payment of a certain court judgment entered in Suffolk superior court, civil action number 77164	\$3,250
6020-2589	For the payment of a certain court judgment entered in Essex superior court, civil action number 82-2360	\$11,334
6020-2590	For the payment of a certain court judgment entered in Suffolk superior court, civil action number 41638	\$28,500
6030-7201	For the expenses of snow and ice control; provided that a detailed report on district cost comparison 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; provided further, that any surplus after May first, nineteen hundred and eighty-seven may be expended for bridge repairs in said districts; and provided further, that certain prior year obligations in an amount not exceeding one hundred and thirty-six thousand dollars shall be allowed and paid from this item, including the cost of sand, salt and chemicals, prior appropriation continued. Highway Fund	100.0%
6030-7601	For the 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; 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, Route 114A from Mink	

---

ACTS, 1987. - Chap. 303.

Street to Route 44 in the town of Seekonk; and provided further, that during fiscal year nineteen hundred and eighty-eight, the Massachusetts Department of Public Works shall install a so-called suicide prevention fence on the westerly side of the Massachusetts State Department of Public Works bridge over the Nashua River in the town of Clinton and for the repairs and/or replacement of a fence adjacent to said bridge.

EDUCATION.

Libraries.

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 treasurer of such city or town and held as a separate account and shall be expended by public library of such city or town without appropriation, notwithstanding the provisions of any general or special law to the contrary	\$15,733
	Local Aid Fund	100.0%

DEPARTMENT OF EDUCATION.

7010-0015 For	the administration of the School and Pupil-Based Information Network (SPIN) to implement the data collection and analysis requirements of chapter one hundred and eighty-five and to allow timely access to the data by local school district and other authorized users, provided that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-eight	\$495,000
---------------	--	-----------

ACTS, 1987. - Chap. 303.

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, provided further, that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-eight	\$275,000
	General Fund	4.0%
	Local Aid	96.0%
7010-0996 For	the payment of a certain court judgment entered in United States district court, district of Massachusetts, civil action number 82-1070-G	\$9,700
7010-0997 For	the payment of a certain court judgment entered in United States district court, district of Massachusetts, civil action number 83-1753-7	\$34,838
7010-0998 For	the payment of a certain court judgment entered in Suffolk superior court, civil action number 56190	\$46,000
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; pro-	

---

ACTS, 1987. - Chap. 303.

	vided, 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	\$600,000
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, including prior year expenses	\$144,810
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-six or prior years was less than eighty-five per cent 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 district 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; provided, that this appropriation shall not expire until June thirtieth, nineteen hundred and eighty-eight	\$3,704,995
7061-4050 For	a reserve to fund implementation of the recommendations of the two special commissions established by section twenty-seven and	



twenty-seven A of chapter one hundred and eighty-eight of the acts of nineteen hundred and eighty-five, as amended; provided, that this fund may not be allocated for any other purpose other than as specifically authorized by subsequent appropriating legislation which has been duly enacted by both the Senate and House of Representatives and signed into law by the Governor of the Commonwealth, provided further, that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-eight \$15,000,000

**BOARD OF REGENTS.**

**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 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 diag-

nosis 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 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

---

ACTS, 1987. - Chap. 303.

three hundred and eighty dollars shall be obligated for the purpose 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; provided further, that prior costs in an amount not to exceed two thousand one hundred thirty-one dollars resulting from a certain grievance may be allowed and paid from this item; provided further, that certain prior year expenses in an amount not exceeding forty-eight thousand five hundred and forty-one dollars shall be allowed and paid from this item in compliance with Massachusetts labor relations commission finding SUP-2758; provided further, that not more than one hundred fifty thousand dollars of the unexpended balance shall be obligated for payment of certain statistician's fees incurred in connection therewith by the state colleges; provided further, that of the sum appropriated herein, not more than ninety thousand dollars shall be obligated for the purposes of the State Health Education Center at the University of Massachusetts Medical Center and that said appropriation of ninety thousand dollars shall expire on June thirtieth, nineteen hundred and eighty-eight

\$90,000

7100-0103 For a program by Middlesex Community College in Lowell, including expenses for administration and rent, provided further, that this appropriation shall expire on June thirtieth, nineteen hundred and eighty-eight

\$1,400,000

7100-0998 For the payment of a settlement pursuant to a certain memorandum of understanding entered in United States district court, district of Massachusetts, civil action numbers 86-2743-MC, 87-1036-MC, 87-1037-MC, 87-1038-MC, 87-1039-MC, 87-1040-MC, and 87-1041-MC

\$1,030,000

---

**ACTS, 1987. - Chap. 303.**

7100-0999	For the payment of a certain court judgment entered in Suffolk superior court, civil action number 29677	\$7,531
7111-0999	For the payment of a certain court judgment entered in Middlesex superior court, civil action number 81-6043	\$7,000
7115-0999	For the payment of a certain court judgment entered in Hampden superior court, civil action number 80-1740	\$4,486
7118-0998	For the payment of a certain court judgment entered in Plymouth superior court, civil action number 80-12225	\$6,000
7310-0999	For the payment of a certain court judgment entered in Bristol superior court, civil action number 21020	\$5,000
7400-0999	For the payment of a certain court judgment entered in Suffolk superior court, civil action number 47683	\$1,500

**EXECUTIVE OFFICE PUBLIC SAFETY.**

8000-0101	For reimbursements to cities and towns for mandated costs imposed by chapter 208 of the acts of 1985	\$600,000
	Local Aid Fund	100.0%

Department of Public Safety.  
Division of State Police.

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 illegal distributions of controlled substances among minors; and that 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 thousand three hundred and forty-four positions and provided further, that certain prior year salary adjustments authorized in accordance with section nine T of chapter
-----------	---

---

ACTS, 1987. - Chap. 303.

twenty-two of the General Laws shall be allowed and paid from this item.

General Fund 15.0%  
Highway Fund 85.0%

8312-0988	For the payment of a certain court judgment entered in Suffolk Superior Court, civil action number 50529	\$25,000
8312-0989	For the payment of a certain court judgment entered in Bristol Superior Court, civil action number 20998	\$9,000
8312-0990	For the payment of a certain court judgment entered in Worcester superior court, civil action number 84-29612	\$3,500
8312-0991	For the payment of a certain court judgment entered in Suffolk superior court, civil action number 56179	\$1,400
8312-0992	For the payment of a certain court judgment entered in Suffolk superior court, civil action number 41137	\$750
8312-0993	For the payment of a certain court judgment entered in Worcester superior court, civil action number 25018	\$12,500
8312-0994	For the payment of a certain court judgment entered in Worcester superior court, civil action number 25018	\$5,000
8312-0995	For the payment of a certain court judgment entered in United States district court, district of Massachusetts, civil action number 81-1865T	\$35,628

Division of Fire Prevention.

Fire Safety Commission.

8314-1010	For the expenses of the fire safety commission, pursuant to section two hundred of chapter six of the General Laws, including not more than one position, provided, that this appropriation shall not expire until June thirtieth, nineteen hundred and eighty-eight	\$50,000
-----------	--	----------

Registry of Motor Vehicles.

8400-0004	For the expenses of making certain improvements to the electronic data processing system at the registry of motor vehicles, prior appropriation continued	\$2,191,795
	Highway Fund	100.0%

---

ACTS, 1987. – Chap. 303.

**MILITARY DIVISION.**

8700-0001 For	the office of the adjutant general, including not more than thirty-four permanent positions	\$52,000
8700-0996 For	the payment of a certain court judgment entered in Boston Municipal Court, civil action number 35808	\$1,000
8700-1410 For	certain storage and maintenance facilities, including not more than twenty-two positions	\$3,400
8700-1510 For	certain national guard aviation facilities, including not more than eight positions	\$10,700

**EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.**

Division of Employment Security.

9081-7000 For	the payment of reemployment assistance benefits and health insurance benefits as provided by section seventy-one F and seventy-one G of chapter one hundred and fifty-one A of the General Laws	\$1,500,000
---------------	---	-------------

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 fifteen positions	\$60,794
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	\$300,000
9091-0325 For	the promotion and marketing of overseas international tourism; provided, that this appropriation shall not expire until June thirtieth, nineteen hundred and eighty-eight	\$250,000
9091-0411 For	the International trade and investment campaign	\$250,000

**EXECUTIVE OFFICE OF ELDER AFFAIRS.**

Office of the Secretary.

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, and program planning	
---------------	--	--

---

ACTS, 1987. - Chap. 303.

and management are maintained, including  
not more than seventy positions \$235,489

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 stipends 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 and eighty-four thousand sixty-three dollars shall be obligated for the administration of a meals program for elderly persons; provided further, that the department of elder affairs shall maximize federal reimbursement for meals served herein; provided further, that not less than three million dollars shall be obligated for grants to councils on aging; and provided further, that any unexpended balance, not to exceed fifty thousand dollars, shall be available for obligation and expenditure for grants to councils on aging and shall not expire until June thirtieth, nineteen hundred and eighty-eight \$50,000

**EXECUTIVE OFFICE OF CONSUMER AFFAIRS.**  
Office of the Secretary.

9200-0999 For the payment of a certain court judgment

---

ACTS, 1987. - Chap. 303.

entered in Middlesex County court, civil  
action number 83-5550 \$7,750

State Racing Commission.

9210-0001 For the administration of the commission, including not more than thirty-three positions; provided, that 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 payment in an amount not exceeding fifty thousand dollars for certain contracted services rendered during the period July first, nineteen hundred and eighty-five through June thirtieth, 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.

Division of Registration.

9222-0999 For the payment of a certain court order entered in Suffolk superior court, civil action number 64686 \$17,000

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 \$43,490

**EXECUTIVE OFFICE OF LABOR.**

Department of Labor and Industries.

9410-0100 For general administration of the department, including not more than fifteen positions; provided, that this appropriation shall not expire until June thirtieth, nineteen hundred and eighty-eight \$83,145

9411-0100 For the expenses of the division of industrial safety, including not more than seventy-one positions; provided, that this appropriation shall not expire until June thirtieth, nineteen hundred and eighty-eight \$228,722



---

ACTS, 1987. - Chap. 303.

9412-0100 For the expenses of the division of occupational hygiene, including not more than fourteen positions; provided, that this appropriation shall not expire until June thirtieth, nineteen hundred and eighty-eight \$60,823

**SECTION 2A.** For the purpose of making available for expenditure in the fiscal year nineteen hundred and eighty-eight certain balances of appropriation which otherwise would revert on June thirtieth, nineteen hundred and eighty-seven, the unexpended balances of the items shown below are hereby reappropriated for the fiscal year nineteen hundred and eighty-eight.

0111-9000  
0119-0000  
0121-0000  
0121-8000  
0121-9000  
0122-0000  
0124-0000  
0127-0000  
0127-0020  
0129-0000  
0129-1000  
0143-0000  
0144-0000  
0164-0020  
0181-5007  
0185-7806  
0185-7816  
0185-7824  
0185-7849  
0185-7850  
0330-0300  
0330-0700  
0330-2200  
0330-2800  
0330-3000  
0330-3300  
0332-8811  
0332-8812  
0337-0100  
0339-2200  
0412-1000  
0431-8811  
0431-8832  
0431-8833  
0431-8835  
0511-8811

---

**ACTS, 1987. – Chap. 303.**

0611-5000  
0810-0015  
1100-1560  
1100-1561  
1100-1563  
1100-8757  
1100-8758  
1100-8811  
1100-9510  
1102-3915  
1102-8784  
1102-8792  
1102-8793  
1102-8796  
1102-8801  
1102-8804  
1102-8812  
1102-8813  
1102-8814  
1102-8815  
1102-8816  
1102-8818  
1102-8819  
1102-8820  
1102-8822  
1102-9792  
1102-9802  
1102-9805  
1102-9837  
1105-3602  
1105-3603  
1105-3604  
1105-3606  
1105-3611  
1105-3612  
1599-0103  
1599-2038  
1599-2056  
1599-3223  
1599-3325  
1599-3386  
1599-3396  
1599-3403  
1599-3606  
1599-3609  
1599-3610  
1599-3611  
1599-3612  
1599-3614

---

**ACTS, 1987. – Chap. 303.**

1599-3617  
1599-3618  
2000-0151  
2000-0300  
2000-0350  
2030-8821  
2100-0105  
2100-0163  
2100-0165  
2120-0301  
2120-0302  
2120-0315  
2120-0510  
2120-1507  
2120-1508  
2120-1601  
2120-1605  
2120-8802  
2120-8803  
2120-8805  
2120-8812  
2120-8814  
2120-8815  
2120-8821  
2120-8823  
2120-8825  
2130-8772  
2150-0351  
2150-0500  
2150-0511  
2150-0512  
2150-0523  
2150-0525  
2150-0531  
2150-0537  
2150-0538  
2150-0541  
2150-0550  
2150-0560  
2150-0570  
2150-0572  
2150-0571  
2150-0573  
2150-0574  
2150-0580  
2150-0524  
2150-6843  
2200-0303  
2200-0306

---

**ACTS, 1987. – Chap. 303.**

2200-0307  
2200-0309  
2240-8801  
2240-8820  
2240-8838  
2250-0905  
2250-0906  
2250-0908  
2250-0910  
2250-0911  
2250-0912  
2250-0913  
2250-1001  
2250-1010  
2250-8820  
2250-8822  
2250-8823  
2270-8771  
2270-8772  
2270-8773  
2270-8775  
2270-8791  
2270-8811  
2270-8812  
2270-8813  
2270-8817  
2270-8818  
2270-8821  
2320-8813  
2410-8801  
2410-8802  
2440-0010  
2440-0022  
2440-0040  
2440-8773  
2440-8782  
2440-8796  
2440-8798  
2440-8802  
2440-8816  
2440-8817  
2440-8819  
2440-8838  
2440-9812  
2440-9813  
2440-9814  
2440-9850  
2441-0001  
2444-8812

---

**ACTS, 1987. – Chap. 303.**

2444-9001  
2444-9014  
2444-9016  
2449-7260  
2449-7350  
2449-8754  
2449-8755  
2511-3002  
2511-8821  
2518-3000  
2518-5000  
2611-8751  
2681-9029  
2685-9011  
2685-9050  
3722-9015  
3722-9030  
3722-9301  
3724-9001  
3724-9002  
3743-2032  
4010-8831  
4190-8811  
4202-8811  
4202-8831  
4221-8831  
4311-0100  
4311-8811  
4311-8831  
4311-8832  
4311-8833  
4311-8835  
4312-8751  
4312-8831  
4313-8831  
4314-8812  
4315-8811  
4316-8771  
4316-8801  
4316-8811  
4316-8812  
4316-8813  
4316-8831  
4316-8832  
4316-8833  
4343-8811  
4343-8831  
4344-8831  
4345-8811

---

**ACTS, 1987. - Chap. 303.**

4346-8832  
4348-8801  
4348-8811  
4348-8812  
4348-8831  
4349-0010  
4380-0002  
4402-5012  
4402-5013  
4407-1011  
4516-8801  
5011-8801  
5011-8802  
5011-8811  
5011-8812  
5191-8801  
5295-8801  
5481-8801  
5491-8721  
5495-8811  
5561-8721  
5651-8811  
5897-8811  
6000-3025  
6000-3100  
6000-3500  
6000-3510  
6000-3520  
6001-1615  
6001-1630  
6001-8625  
6004-8756  
6005-0016  
6005-0018  
6005-0027  
6005-0100  
6006-8735  
6020-2502  
6030-7301  
6030-7408  
6030-7409  
6030-7412  
6030-7603  
6030-7605  
6031-0131  
6032-4030  
6032-4037  
6032-4038  
6034-0017

---

ACTS, 1987. - Chap. 303.

6034-0018  
6034-0019  
7010-0015  
7010-0042  
7010-0045  
7070-8811  
7070-8812  
7109-8721  
7111-8801  
7114-8721  
7114-8801  
7115-8801  
7116-8801  
7220-8802  
7220-8803  
7410-7872  
7410-7873  
7410-8772  
7410-8774  
7410-8781  
7410-8783  
7410-8784  
7410-8791  
7410-8812  
7410-8846  
7416-8811  
7416-8812  
7490-8706  
7490-8722  
7490-8751  
7504-8801  
7506-8771  
7514-7800  
7514-8811  
7516-8751  
8000-0165  
8400-0004  
8400-0100  
8800-0015  
9000-0600  
9081-7000  
9091-0200  
9091-0211  
9300-2801  
9300-3901  
9300-3902  
9440-0200

---

ACTS, 1987. - Chap. 303.

**SECTION 2B.** For the purpose of making available for expenditure in the fiscal year nineteen hundred and eighty-eight certain balances of appropriation which otherwise would revert on June thirtieth, nineteen hundred and eighty-seven, the unexpended balances of the items shown below are hereby reappropriated for the fiscal year nineteen hundred and eighty-eight; provided, that the unexpended balances in any other items of appropriation included by reference in the accounts listed below are not reappropriated.

1102-8777.  
1102-8797  
1102-8806  
2030-8811  
2120-8774  
2120-8782  
2120-8791  
2130-8771  
2440-8793  
2440-8794  
2681-8751  
4315-8792  
4532-8791  
4533-8791  
4535-8791  
4537-8792  
5164-8741  
5391-8771  
6059-0000  
7109-8791  
7114-8791  
7114-8802  
7116-8751  
7416-8801  
7490-8721  
7503-8751  
7514-8751

**SECTION 2C.** During the fiscal year nineteen hundred and eighty-eight, notwithstanding the provisions of any general or special law to the contrary, sums from any of the following items reappropriated in section two A may, in accordance with the provisions of the item, be spent or transferred to other items of appropriation and allocations thereof for the fiscal year nineteen hundred and eighty-eight, to meet fiscal year nineteen hundred and eighty-eight as well as prior fiscal years' costs:

0330-0700  
0330-0701  
1599-3325  
1599-3386



---

**ACTS, 1987. - Chap. 303.**

1599-3606  
1599-3610  
1599-3611  
1599-3612  
1599-3614  
1599-3617  
1599-3618

**SECTION 2D.**

**EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.**

**Item**

- 2100-7871 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 Phase II of the master plan and for the construction of an early action component for the Blackstone River and Canal Heritage State Park within the Monument Square section of the town of Blackstone \$200,000
- 2100-7872 For a study, and if necessary, preparation of plans for a visitors center at the Natural Bridge State Park in North Adams \$50,000

**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.**

- 2120-8885 For a program of grants to municipalities for the purpose of planning, design, studies, development and associated improvements to entrances at or within city and town boundaries \$2,000,000

**EXECUTIVE OFFICE OF HUMAN SERVICES.**

Department of Youth Services.

- 4238-7881 For the preparation of plans and for the renovation and/or construction of the Hampden County Youth Detention Center in Westfield to be operated by the Department of Youth Services \$6,200,000

Department of Correction.

- 4349-7881 For studies, the preparation of plans, and the renovation, upgrading and expansion of existing state correctional facilities, including the

---

**ACTS, 1987. – Chap. 303.**

	costs of furnishings and equipment; provided however that not less than one million five hundred thousand dollars be spent for an indoor firing range at MCI Concord	\$10,500,000
4349-7882 For	a study, the preparation of plans, and the demolition and alterations of certain buildings at MCI Framingham, including renovations to the water distribution system and the cost of furnishings and equipment	\$5,000,000
4349-7883 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 MCI Concord	\$3,700,000

**EXECUTIVE OFFICE OF PUBLIC SAFETY.**

Division of State Police.

8312-7885 For (8312-8844)	the construction of a state police station in Newbury, including the cost of furnishings and equipment; to be in addition to the amount appropriated in item 8312-8844 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three	\$150,000
------------------------------	---	-----------

**EXECUTIVE OFFICE OF ECONOMIC AFFAIRS.**

9091-7871 For	a study to determine the feasibility of constructing a conference center at South-eastern Massachusetts University in the town of Dartmouth	\$40,000
---------------	---	----------

**SECTION 2E.**

**EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.**

**Item**

2000-7873 For	the purpose of a study to determine the causes and potential solutions to the water quality problems of the Muddy River in the City of Boston and the town of Brookline	\$150,000
---------------	---	-----------

Department of Environmental Management.

2120-7876 For	repairs to Griswold, Hawkes and Walden Pond dams	\$615,000
2120-7877 For	repairs to South Hopedale Well	\$100,000
2120-7878 For	repairs to Onset Pier in Wareham	\$850,000
2120-7879 For	the initial cost of cleaning up the Westport	

---

**ACTS, 1987. - Chap. 303.**

	River, priority to be given to the area known as the "Head of Westport"	\$50,000
2120-8871 For	the evaluation, design, reconstruction and repair of the Mill Pond Dam on Myrtle Street in the town of Ashland	\$250,000
2150-7875 For	the dredging and erosion control including structures, if necessary, to improve flow conditions of the Aberjona River/Wedge Pond, Winchester	\$370,000
2150-7876 For	the design, evaluation, study and repair of the dam within the Ames Nowell Park in the town of Abington	\$450,000
2150-7877 For	a grant to the town of Maynard for improvement along the Assabet river	\$55,000
2150-7878 For	proposed improvements to Mill Creek in the city of Chelsea	\$420,000
2150-7879 For	the dredging and erosion control of the Spigott River in the city of Lawrence	\$250,000

**DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING.**

2200-7871 For	a grant to the Randolph-Holbrook Water District to evaluate surface and groundwater quality problems and to assess water supply alternatives on the Cochato River Watershed for Braintree, Randolph, and Holbrook; provided further, that appropriation shall not expire until June thirtieth, nineteen hundred and eighty-eight	\$150,000
2200-7872 For	a reimbursement to the city of North Adams for the costs of a water supply study	\$180,000
2250-7873 For	a grant to a rural water association for assistance to communities for information, technical assistance, training and support for small water systems	\$50,000
2250-7874 For	a grant to the town of Lunenburg for the cost of the cleanup of an oil spill at the Lunenburg Elementary School	\$100,000
2300-7871 For	the purchase and installation of a saltwater storage tank at the state lobster hatchery and research station in Oak Bluffs	\$50,000

**METROPOLITAN DISTRICT COMMISSION.**

2440-7879 For	the repairs and renovations of the Simoni Ice Skating Rink in the city of Cambridge	\$300,000
2440-8871 For	the maintenance and improvement of Meany Playground in Dorchester	\$80,000

---

**ACTS, 1987. - Chap. 303.**

2440-8872	For a study of flooding in the cities of Malden and Melrose	\$100,000
2440-8873	For payment to the city of Malden for the maintenance, operation and improvement of certain parks in said city adjacent to MDC parkways namely the John Dever Park and Amerige Park, and the Courtemoline Park	\$350,000
2444-7871	For the study and investigation of erosion and flooding of East Squantum Street in Quincy	\$40,000
2444-7872	For expenses involved in the refurbishing of the Flynn rink in the city of Medford	\$835,000

**SECTION 2F.**

**EXECUTIVE OFFICE OF TRANSPORTATION  
AND CONSTRUCTION.**

**Item**

6030-7871	For the installation of a pedestrian traffic signal light on Onset Avenue	\$50,000
6030-7872	For expenses of repairing the erosion at the Fall River Bridge on Hoe Shop road in the town of Bernardston	\$100,000

**SECTION 3.** The department of public welfare may expend an amount not to exceed thirty-seven million dollars from the monies received from collections of prior year expenditures from lien, 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.

**SECTION 4.** 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 payment in the amount of fourteen thousand one hundred fourteen dollars and seventy cents from item 6031-0134 of section thirteen of chapter eight hundred and eleven of the acts of nineteen hundred and eighty-five, for certain contracted services rendered during the period July first through July third, 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.

**SECTION 5.** Chapter two hundred and six of the acts of nineteen hundred and eighty-six is hereby amended in section two C in item 2440-7878 by inserting after the word "equipment" in line one the words "and personnel" and by inserting after the word "equipment" in line four the words "and personnel".

---

**ACTS, 1987. - Chap. 303.**

**SECTION 6.** Chapter two hundred and six of the acts of nineteen hundred and eighty-six is hereby amended in section two B in item 2440-7874 by inserting after the word "plans" in line one the words "and, if necessary, for repairs and renovations".

**SECTION 7.** The department of public welfare shall, to the extent authorized under Title XIX of the Social Security Act, provide for medical assistance in the form of ambulatory care services to pregnant women who are presumptively eligible for medicaid for the period of time prescribed by federal law. The department shall promulgate regulations to implement this section which shall require providers to notify such pregnant women of the need to file an application for medicaid, and which shall set standards to be used in determining presumptive eligibility by providers who qualify to do so under the department criteria.

**SECTION 8.** Notwithstanding the provisions of any general or special law to the contrary, for the period ending June thirtieth, nineteen hundred and eighty-eight, 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) 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) determine the charge to be made by the commonwealth for meals served in state institutions or facilities to employees thereof; and, (4) 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; 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 9.** Section five C of chapter twenty-nine of the General Laws, appearing in section nine of chapter four hundred eighty-eight of the Acts of nineteen hundred and eighty-six, is hereby amended by adding to the end thereof the following:-

The comptroller shall annually on or before the following second Wednesday in January adjust said transferred amounts to reflect the results of the so-called single audit of the Commonwealth's financial statements required by the federal government for each fiscal year.

**SECTION 10.** As of June thirtieth, nineteen hundred and eighty-seven, the comptroller shall transfer from the General Fund to the Highway Fund the amount of the Highway Fund deficit, if any, for the fiscal year nineteen hundred and eighty-seven.

**SECTION 11.** As of June thirtieth, nineteen hundred and eighty-seven, 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-seven.

**SECTION 12.** For the purpose of alleviating overcrowded conditions in state and county correctional facilities in as little time as possible while maintaining economy of construction, the deputy commissioner of the division of capital planning and operations, with respect to projects for Norfolk County Jail and House of Correction, Essex County Jail and House of Correction, Massachusetts Correctional Institute at Shirley, and Hampden County Jail and House of Correction, may after consultation with the director of the office of project management, the commissioner of correction, 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 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 this 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 13.** Of the amount appropriated to item 4349-0008 of section two of chapter two hundred seventy-nine of the acts of nineteen hundred and eighty-six, one million five hundred thousand dollars allocated to account 4349-0013 shall be continued into fiscal year nineteen hundred and eighty-eight.

**SECTION 14.** Notwithstanding the provisions of any general or special law to the contrary, the motor vehicle management bureau is hereby authorized to expend an amount not to exceed eight hundred thousand dollars from revenues received by the commonwealth from the disposal of surplus motor vehicles, including but not limited to state police vehicles. Said revenues shall be available for expenditure, without further appropriation, for the purchase of motor vehicles, until June thirtieth, nineteen hundred and eighty-eight. Revenues received from said sources in excess of eight hundred thousand dollars shall be credited to the General Fund. On a quarterly basis the motor vehicle management bureau shall file a schedule of all vehicles to be purchased under this section. No expenditures shall be made under this section without the prior approval of the commissioner of administration.

**SECTION 15.** Notwithstanding the provisions of any general or special law or rule to the contrary, any person who has, for a continuous period of at least one year, provided services the compensation for which was payable from a subsidiary account coded under "03" in the expenditure code manual and who is immediately thereafter appointed on or after January first, nineteen hundred and eighty-six but prior to January first, nineteen hundred and eighty-eight to a comparable position allocated to the management salary schedule set forth in section forty-six C of chapter thirty of the General Laws and who is designated as a managerial employee under the provisions of chapter one hundred and fifty E of the General Laws may be recruited by the appointing authority at a rate above the minimum and within the salary range for the management job group to which the position is allocated if the commissioner of administration shall have first determined that the person to be so appointed has served satisfactorily in a comparable

position for a period of time equivalent to the period required in the management salary schedule had such service been entirely in the service of the commonwealth as an employee thereof, provided that no such period of prior service shall be used in determining such step placement except upon the prior determination by the commissioner of administration filed with the house and senate committees on ways and means that such service was rendered satisfactorily and was comparable to the duties and responsibilities of the position to which such person is to be appointed; provided, that the anniversary date for the purposes of salary step increases pursuant to said section forty-six C of said chapter thirty shall be the first work day for which the person so appointed is paid on or after the date of such appointment.

The commissioner of administration shall file a report of all determinations and approvals required by this section on a quarterly basis, with the first such report to be filed not later than October fifteen, nineteen hundred and eighty-seven. No accrued vacation or sick leave shall be credited for any period of such "03" service to any person appointed in accordance with this section, nor shall any creditable service be granted for retirement purposes for any such period. Except as hereinbefore provided, all provisions of applicable laws and regulations shall apply to any person so appointed.

**SECTION 16.** 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-seven for which certain regulations and procedures adopted under the authority of said section twenty-nine A or any other such general or special 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 approved by the secretary of administration and provided to the house and senate committees on ways and means; provided, further, that sufficient funds for such payments existed within the appropriate items as of June thirtieth, nineteen hundred and eighty-seven 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, 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 approved by the secretary of administration and provided to the house and senate committees on ways and means, and shall be 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



---

**ACTS, 1987. -- Chap. 303.**

current agency appropriation; provided, however, that such payments, where appropriate, may be paid from capital appropriations, federal grants, or trust funds; and provided further, that this section shall not apply to payments authorized pursuant to section two for such purposes.

**SECTION 17.** Chapter 645 of the acts of 1948, as amended, is hereby further amended by striking out section 10, as most recently amended by chapter 309 of the acts of 1986, 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 November thirty-first, nineteen hundred and eighty-seven except that the payments provided by section nine A shall continue thereafter by the state treasurer, subject to appropriation, in accordance with provisions of said section nine and nine A, on certification by the commissioner of education.

**SECTION 18.** Notwithstanding any general or special law to the contrary, the comptroller shall transfer from the General Fund to the Metropolitan Water District Fund an amount necessary to eliminate the deficit, excluding any receivables due from the Massachusetts Water Resources Authority, in the Metropolitan Water District Fund as of June thirtieth, nineteen hundred and eighty-seven. Such transferred amount shall be recorded on the books of the Commonwealth as of June thirtieth, nineteen hundred and eighty-seven.

**SECTION 19.** Notwithstanding any general or special law to the contrary, the comptroller shall transfer from the Local Aid Fund to the State Recreational Areas Fund an amount necessary to eliminate the deficit in the State Recreation Areas Fund as of June thirtieth, nineteen hundred and eighty-seven. Such transferred amount shall be recorded on the books of the Commonwealth as of June thirtieth, nineteen hundred and eighty-seven.

**SECTION 20.** For the purpose of a federally funded grant entitled, Work Incentive Demonstration Project and other federal reimbursements for employment and training; provided, that federal funds received for the purpose of employment and training, not to exceed thirteen million four hundred thousand dollars, shall be credited to this account.

**SECTION 21.** Notwithstanding the provisions of chapter sixty-six A and sections fifty-one A through F of chapter one hundred and nineteen of the General Laws or any other special or general law to the contrary, the department of social services may release to representatives of the federal government data requested by said representatives as a condition of obtaining reimbursement for expenses incurred by the department under Title IV-E.

**SECTION 22.** In fiscal year nineteen hundred and eighty-eight, the

office of contract management in the purchase of service division within the executive office of human services shall, in conjunction with the office of the state auditor, establish a purchase of service training institute to provide technical assistance and training services to both state agency and private provider personnel. ...The secretary of human services shall determine the frequency of attendance by state agency contract personnel at said institute, and shall develop minimum attendance standards at said institute for employees of private providers contracting with the state to provide any social or rehabilitative service. Said providers shall adhere to such standards as a condition of maintaining any such contract with the state.

**SECTION 23.** 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 D through two F of this act 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 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-two. Notes and interest thereon issued under the authority of this section, notwithstanding any other provision of this act, shall be general obligations of the Commonwealth.

**SECTION 24.** To meet the expenditures necessary to carrying out the provisions of section two D of this act, the state treasurer shall, upon request of the governor, issue and sell bonds of the Commonwealth, to any amount specified by the governor from time to time, not exceeding in the aggregate, the sum of twenty-seven million eight hundred and forty thousand dollars. All bonds issued by the Commonwealth, as aforesaid, shall be designated on their face, Supplemental Capital Outlay Loan, Act of nineteen hundred and eighty-seven, 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 twelve. Bonds and interest hereon issued under the authority of this section shall, notwithstanding any other provision of this act, be general obligations of the Commonwealth.

**SECTION 25.** To meet the expenditures necessary to carrying out the provisions of section two E of this act, the state treasurer shall, upon request of the governor, issue and sell bonds of the Commonwealth, to an amount specified by the governor from time to time, not exceeding in

the aggregate, the sum of five million seven hundred ninety-five thousand dollars. All bonds issued by the Commonwealth, as aforesaid, shall be designated on their face, Supplemental Capital Outlay Repair Loan, Act of nineteen hundred and eighty-seven, and shall be issued for such maximum term of years not exceeding ten 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 two. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provision of this act, be general obligations of the Commonwealth.

**SECTION 26.** To meet the expenditures necessary to carrying out the provisions of section two F of this act, the state treasurer shall, upon request of the governor, issue and sell bonds of the Commonwealth, to an amount specified by the governor from time to time, not exceeding in the aggregate, the sum of one hundred and fifty thousand dollars. All bonds issued by the Commonwealth, as aforesaid, shall be designated on their face, Supplemental Highway Improvement Loan, Act of nineteen hundred and eighty-seven, and shall be issued for such maximum term of years not exceeding ten 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 two. All interest and payments on account of principal of such obligations shall be payable from the Highway Fund. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provision of this act, be general obligations of the Commonwealth.

**SECTION 27.** Notwithstanding the provisions of any general or special law to the contrary, the board of regents of higher education shall fix a rate of tuition and charge all students enrolled in public institutions of higher education who are not residents of the commonwealth, who cannot become residents thereof such as non-residents aliens lawfully admitted for the purposes of attending an institution of higher education in the United States under the immigration laws thereof and who have indicated by an affirmative act on their part expressing an intention not to reside in the commonwealth in the future, said rate of tuition which shall be based upon true education costs at such institutions, which costs shall include, but not limited to the cost of instruction, the cost of operating, equipping and maintaining the physical plant, the full and actual library costs, the costs of administration, the costs of operating student services and programs of financial assistance, all revenues from true funds and related day school operations, grant funds, reserves from continuing education funds and student activities and graduation fees.

The board shall charge said rate of tuition to said students notwithstanding any other provision of any other tuition plan or policy adopted by the board and shall not be interpreted or implemented by the

board as full time equivalency status or any other such policy or plan, or portion thereof, contravening the express purposes of said differential tuition charge or rate as set forth in this section.

The board may, however notwithstanding the foregoing, make reasonable exemptions charges for any alien students whose family lawfully resides in the commonwealth, or for any student who is a full time graduate student, or when reciprocal agreements exist between commonwealth supported schools and foreign schools of higher education.

**SECTION 28.** There is hereby established a special commission, to consist of two members of the senate, three members of the house of representatives, the secretary of human services, the secretary of economic affairs, the commissioner of education, the chairman of the board of education's early childhood advisory council, the chairman of the governor's day care partnership project committee, and five persons with experience in early childhood education to be appointed by the governor, at least two of whom shall be representatives of public education, for the purpose of making an investigation and study to consider how to provide universally accessible and affordable, voluntary programs for three and four year old children in the commonwealth.

Said commission may seek, accept and expend any grants or gifts of money, professional services, consultant services, clerical and other services and supplies from the federal government or any other private or public source in the course of its investigation and study.

Said commission shall report to the general court the results of its investigation and study, and its recommendations, together with drafts of proposed legislation necessary to implement its recommendations by filing same with the clerk of the senate no later than July first, nineteen hundred and eighty-eight.

**SECTION 29.** 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 chapter at the time of petition, the rate setting commission shall, in determining the interim rate for said nursing home, allow a three per cent increase in fiscal year nineteen hundred and eighty-eight 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. Said procedures shall ensure (1) that petitions of providers otherwise eligible under the provisions of this section are not

rejected on the basis of the rate setting commission's judgment of need, (2) that wage increases shall be effective July first, nineteen hundred and eighty-seven, (3) that wage increases are calculated on the basis of full staffing levels rather than on payroll periods with less than full staffing, (4) that the calculation of public days shall include days reimbursed by the commission for the blind, and (5) that facilities shall not be penalized on final rate settlement for costs in excess of ceilings which result from participation in the wage increase program.

**SECTION 30.** 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 31.** During the fiscal years nineteen hundred and eighty-seven and nineteen hundred and eighty-eight, notwithstanding the provisions of any general or special law to the contrary, payments for the fiscal year nineteen hundred and eighty-seven 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, 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 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-seven and nineteen hundred and eighty-eight.

**SECTION 32.** Item 4314-8751 of section two of chapter five hundred and nineteen of the acts of nineteen hundred and seventy-four, as amended by item 4314-8751 of section two of chapter eight hundred and sixty of the acts of nineteen hundred and seventy-five and item

4314-8751 of section two of chapter four hundred and eighty-one of the acts of nineteen hundred and seventy-six, is hereby further amended by striking the wording and inserting in place thereof the following:- for the preparation of plans, construction, renovation, upgrading and expansion of existing state correctional facilities at M.C.I. Concord; to be in addition to the amounts appropriated in section six of chapter seven hundred and ninety-nine of the acts of nineteen hundred and eighty-five and section six of chapter six hundred and fifty-eight of the acts of nineteen hundred and eighty-six.

**SECTION 33.** Item 4314-8812 of section two of chapter five hundred and seventy-eight of the acts of nineteen hundred and eighty is hereby amended by striking the wording and inserting in place the following:- for the preparation of plans, construction, renovation, upgrading and expansion of existing state facilities at M.C.I. Concord; to be in addition to the amounts appropriated in section six of chapter six hundred and fifty-eight of the acts of nineteen hundred and eighty-six, section six of chapter seven hundred and ninety-nine of the acts of nineteen hundred and eighty-five and item 4314-8751 chapter five hundred and nineteen of the acts of nineteen hundred and seventy-four.

**SECTION 34.** Section 2B of chapter 723 of the acts of 1983 is hereby amended in item 7516-8843 by striking out the wording and inserting in place thereof the following:

For a study and the preparation of plans if necessary and repair, renovations and improvements to various buildings on the North Campus of Middlesex Community College, and the construction of a multi-purpose educational building including but not limited to site preparation, parking facilities and furnishings and equipment; to be in addition to the amount appropriated in Item 7516-8841 of Section two of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three.

**SECTION 35.** Section 33 of chapter 199 of the acts of 1987 is hereby amended by inserting at the end of the first paragraph the following paragraph:-

Any remaining balances at the end of fiscal year nineteen hundred and eighty-seven 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-eight.

**SECTION 36.** The fourth paragraph of section 1I of chapter 15 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following sentence:-

The commonwealth shall, subject to appropriation and upon the approval of the board, also pay to a city, town or regional district school committee one hundred per cent of the cost of transportation of pupils

---

**ACTS, 1987. – Chap. 303.**

for the purpose of reducing or eliminating an imbalance of minority students, as defined in regulations promulgated under the federal Emergency School Aid Act, Title VII of Public Law 92-318, as amended.

**SECTION 37.** Chapter 32A of the General Laws is hereby amended by inserting after section 10C the following section:-

Section 10D. The commission shall establish a plan of disability insurance on such terms and conditions as it deems to be in the best interest of the commonwealth and its employees. With respect to any disability insurance which is in effect for an employee there shall be withheld from the salary or wages of such employee the premium for such insurance and the commonwealth shall make no contribution to said premium. The group insurance commission is hereby authorized to implement a system whereby such employee contributions are made on a pre-tax basis.

**SECTION 38.** Section 36B of chapter 40 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

Each occupied cell within such a lockup facility should be physically or visibly checked by a law enforcement officer or other lockup personnel as often as is required by a reasonable standard of care of detainees.

Every lockup facility shall have installed within the cell area an electronic security device which will record the date and time of day of each cell check made by a law enforcement officer or other lockup personnel. All checks made shall be recorded on such electronic security device.

**SECTION 39.** Notwithstanding any general or special law to the contrary, any state or federal funds made available by the commonwealth to or on behalf of the Boston school committee during fiscal year nineteen hundred and eighty-seven are hereby made available for expenditures during fiscal year nineteen hundred and eighty-eight.

**SECTION 40.** The department of personnel administration may expend an amount not to exceed one hundred fifty thousand dollars from membership fees, not to exceed seven thousand five hundred dollars each, charged to private sector organizations and individuals for the purpose of carrying out the activities of the Business and State Employment Collaborative.

**SECTION 41.** This act shall take effect as of June thirtieth, nineteen hundred and eighty-seven. Section seven S shall take effect on July first, nineteen hundred and eighty-seven.

Section 2, Items: 0330-3600, 0612-1001, 1108-4301,  
4001-0001, 9091-0200, 9091-0211, 9091-0325, 9091-  
0411; Section 2A, Items: 2000-0151, 2100-0165, 2440-

---

ACTS, 1987. - Chap. 304.

0040, 2444-9014, 9091-0200, 9091-0211; and Section 22;  
were disapproved by the Governor and the remainder of  
the Bill he approved July 21, 1987.

EMERGENCY LETTER: August 6, 1987 @ 10:30 A.M.

---

**Chapter 304. AN ACT PROVIDING FUNDING FOR THE DISCOVERY  
AND CLEAN-UP OF HAZARDOUS WASTE SITES IN  
THE COMMONWEALTH.**

Be it enacted, etc., as follows:

**SECTION 1.** To provide for the discovery and clean-up of hazardous waste sites throughout the commonwealth, 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 two hundred and six of the acts of nineteen hundred and eighty-six.

**SECTION 2.**

**EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.**  
Division of Environmental Quality Engineering.

Item

2260-8870 For	the purpose of carrying out the actions authorized by section four of chapter twenty-one E of the General Laws; provided, however, that the amount appropriated herein shall not exceed the amounts credited to the Environmental Challenge Fund, established under the provisions of section two J of chapter twenty-nine of the General Laws; provided further, that none of the amounts appropriated herein shall be expended by said department except in accordance with detailed spending plans prepared by said department for each six-month period and submitted to and approved by the secretary of environmental affairs and the secretary of administration and finance; and, provided further, that this appropriation shall be available for expenditure through June thirtieth, nineteen hundred and eighty-nine; including not more than four hundred and sixty positions	\$21,000,000
Environmental Challenge Fund		100.0%



**SECTION 3.** The department of environmental quality engineering is authorized and directed to expend a sum, not to exceed sixty million dollars, to be raised by the sale of notes and bonds authorized by sections four and five, for the purpose of carrying out the actions authorized by sections four and five of chapter twenty-one E of the General Laws. Funds provided by this act shall be in addition to any funds previously authorized for the purposes of section four of said chapter twenty-one E.

**SECTION 4.** The state treasurer may borrow from time to time on credit of the commonwealth such sums of money as may be necessary for the purposes of meeting payments authorized by section three of this act, and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such times and at such rates as shall be fixed by the state treasurer. Said notes may 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 the provisions of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes shall be not later than June thirtieth, nineteen hundred and ninety-seven.

**SECTION 5.** To meet the expenditures necessary in carrying out the provisions of section three of this act, the state treasurer, shall upon request of the governor, issue and sell bonds of the commonwealth, registered or with coupons attached, as he deems best, to an amount to be specified by the governor from time to time, but not exceeding, in the aggregate, the sum of sixty million dollars.

All bonds so issued by the commonwealth, as aforesaid, shall be designated on their face, Oil and Hazardous Material Response Loan, Act of 1987, and shall be issued for such maximum terms of years, not exceeding thirty-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, two thousand and twenty-two. All interest and payments on account of principal of such obligations shall be payable from the General Fund. Bonds and the interest thereon issued under the authority of this section, notwithstanding any other provisions of this act, shall be general obligations of the commonwealth. The initial maturities 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 twenty-two.

**SECTION 6.** This act shall take effect upon its passage.

Approved July 22, 1987.

**Chapter 305. AN ACT ESTABLISHING EXECUTIVE COUNCILLOR AND SENATORIAL DISTRICTS.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 57 of the General Laws is hereby amended by striking out sections 2 and 3, as appearing in the 1986 Official Edition, and inserting in place thereof the following two sections:-

**Section 2.** For the purpose of choosing councillors until the next apportionment, the commonwealth is divided, conformably with the constitution, into the following eight councillor districts:

First. -- Consisting of the Bristol and Plymouth, the First Bristol, the Second Bristol, the Cape and Islands and the Plymouth and Barnstable senatorial districts.

Second. -- Consisting of the Middlesex, Norfolk and Worcester, the Norfolk, Bristol and Middlesex, the Norfolk and Bristol, the Second Suffolk, and the First Suffolk and Norfolk senatorial districts.

Third. -- Consisting of the First Middlesex, the Fifth Middlesex, the Middlesex and Norfolk, the Middlesex and Suffolk, and the Middlesex and Worcester senatorial districts.

Fourth. -- Consisting of the Norfolk, the Norfolk and Plymouth, the Plymouth, the First Suffolk, and the Second Suffolk and Norfolk senatorial districts.

Fifth. -- Consisting of the First Essex, the Second Essex, the Third Essex, the First Essex and Middlesex, and the Second Essex and Middlesex senatorial districts.

Sixth. -- Consisting of the Second Middlesex, the Third Middlesex, the Fourth Middlesex, the Suffolk, Essex and Middlesex, and the Suffolk and Middlesex senatorial districts.

Seventh. -- Consisting of the Worcester, the Worcester, Franklin, Hampden and Hampshire, the First Worcester and Middlesex, the Second Worcester and Middlesex, and the Worcester and Norfolk senatorial districts.

Eighth. -- Consisting of the Berkshire, Franklin, Hampden and Hampshire, the Franklin and Hampshire, the Second Hampden, the Hampden and Hampshire, and the First Hampden senatorial districts.

**Section 3.** For the purposes of choosing senators, and of electing members of state committees of political parties as provided in section one of chapter fifty-two, until the next apportionment, the commonwealth is divided, conformably with the constitution, into the following forty senatorial districts:

Berkshire, Franklin, Hampden and Hampshire. -- Consisting of the cities and towns in the county of Berkshire; and the towns of Charlemont, Colrain, Hawley, Heath, Monroe and Rowe, all in the county of Franklin; the towns of Chester, Blandford and Tolland, all in the county of Hampden; and the towns of Cummington, Middlefield, Plainfield and Worthington, all in the county of Hampshire.

First Bristol. -- Consisting of the city of Fall River and the towns of Freetown, Somerset, Swansea and Westport, all in the county of Bristol.

Bristol and Plymouth. -- Consisting of the city of Taunton and the towns of Berkley, Dighton, Raynham, Rehoboth, and Seekonk all in the county of Bristol; and the towns of Bridgewater, Lakeville, Middleborough, Rochester, Marion, Mattapoisett, Halifax and Carver, all in the county of Plymouth.

Second Bristol. -- Consisting of the city of New Bedford, and the towns of Dartmouth, Fairhaven and Acushnet, all in the county of Bristol.

Cape and Islands. -- Consisting of the towns of Barnstable, Brewster, Chatham, Dennis, Eastham, Falmouth, Harwich, Mashpee, Orleans, Provincetown, Truro, Wellfleet and Yarmouth, all in the county of Barnstable; and the county of Nantucket; and the county of Dukes.

First Essex. -- Consisting of the city of Lynn and the towns of Lynnfield, Marblehead, Nahant, precincts numbered one, three, five, seven and ten of Saugus, and the town of Swampscott, all in the county of Essex.

Second Essex. -- Consisting of the cities of Beverly, Peabody and Salem and the town of Danvers, all in the county of Essex.

Third Essex. -- Consisting of the cities of Haverhill and Newburyport and the towns of Amesbury, Merrimac, Methuen, North Andover, and Salisbury, all in the county of Essex.

First Essex and Middlesex. -- Consisting of the city of Gloucester and the towns of Boxford, Essex, Georgetown, Groveland, Hamilton, Ipswich, Manchester, Middleton, Newbury, Rockport, Rowley, Topsfield, Wenham, West Newbury, all in the county of Essex; and the town of North Reading and precincts numbered one, seven, and eight of the town of Reading and the town of Wilmington, all in the county of Middlesex county.

Second Essex and Middlesex. -- Consisting of the city of Lawrence and the town of Andover, both in the county of Essex; and the towns of Billerica and Tewksbury, both in the county of Middlesex.

Franklin and Hampshire. -- Consisting of the towns of Ashfield, Buckland, Conway, Deerfield, Greenfield, Leverett, Montague, Shelburne, Sunderland and Whately, all in the county of Franklin; and the city of Northampton and the towns of Amherst, Chesterfield, Goshen, Granby, Hadley, Hatfield, Huntington, South Hadley, Williamsburg and Westhampton, all in the county of Hampshire.

First Hampden. -- Consisting of wards numbered one, three, four, and six of the city of Springfield and the towns of Agawam, Longmeadow, and West Springfield, all in the county of Hampden.

Second Hampden. -- Consisting of wards numbered two, four, and five of the city of Chicopee, and wards numbered two, five, seven and eight of the city of Springfield and the towns of East Longmeadow, Hampden, Ludlow, and Wilbraham, all in the county of Hampden.

Hampden and Hampshire. -- Consisting of wards numbered one, three, six, seven, eight, and nine of the city of Chicopee, and the cities of Holyoke and Westfield, and the towns of Granville, Montgomery, Russell and Southwick, all in the county of Hampden; and the towns of Easthampton and Southampton, both in the county of Hampshire.

First Middlesex. -- Consisting of the city of Lowell and the towns of

Dracut, Dunstable, Groton, Pepperell, Shirley and Tyngsborough, all in the county of Middlesex.

Second Middlesex. -- Consisting of the cities of Medford and Somerville and the town of Winchester, all in the county of Middlesex.

Third Middlesex. -- Consisting of the cities of Malden and Melrose and precincts numbered two, three, four, five and six of the town of Reading, and the towns of Stoneham and Wakefield, all in the county of Middlesex.

Fourth Middlesex. -- Consisting of ward numbered eleven of the city of Cambridge and the city of Woburn and the towns of Arlington, Burlington and Lexington, all in the county of Middlesex.

Fifth Middlesex. -- Consisting of the city of Waltham and the towns of Bedford, Carlisle, Chelmsford, Concord, Lincoln, Wayland and Weston, all in the county of Middlesex.

Middlesex and Norfolk. -- Consisting of the city of Newton in the county of Middlesex; and the town of Brookline, in the county of Norfolk.

Middlesex, Norfolk and Worcester. -- Consisting of the towns of Ashland, Framingham, Holliston and Natick, all in the county of Middlesex; and the towns of Franklin and Medway, both in the county of Norfolk; and the town of Southborough, in the county of Worcester.

Middlesex and Suffolk. -- Consisting of wards numbered seven, eight, nine and ten of the city of Cambridge and the towns of Belmont and Watertown, all in the county of Middlesex; and precincts numbered nine, eleven, twelve, thirteen, fourteen, fifteen, and sixteen of ward numbered twenty-one; and precincts numbered one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve and thirteen of ward numbered twenty-two of the city of Boston, in the county of Suffolk.

Middlesex and Worcester. -- Consisting of the city of Marlborough and the towns of Acton, Ayer, Boxborough, Hudson, Littleton, Maynard, Stow, Sudbury and Westford, all in the county of Middlesex; and the towns of Berlin, and Harvard, all in the county of Worcester.

Norfolk and Bristol. -- Consisting of the towns of Canton, Foxborough, Norwood, Sharon and Stoughton, all in the county of Norfolk; and the towns of Easton, Mansfield and Norton, all in the county of Bristol.

Norfolk, Bristol and Middlesex. -- Consisting of the towns of Dover, Millis, Needham, Norfolk, Plainville, Wellesley and Wrentham, all in the county of Norfolk; and the city of Attleboro, and the town of North Attleboro, in the county of Bristol; and the town of Sherborn, in the county of Middlesex.

Norfolk. -- Consisting of the city of Quincy and the towns of Avon, Braintree, and Holbrook, all in the county of Norfolk.

Norfolk and Plymouth. -- Consisting of the towns of Cohasset and Weymouth, both in the county of Norfolk; and the towns of Duxbury, Hingham, Hull, Marshfield and Scituate, all in the county of Plymouth.

Plymouth. -- Consisting of the city of Brockton and the towns of Abington, Hanover, Norwell and Rockland, all in the county of Plymouth.

Plymouth and Barnstable. -- Consisting of the towns of East Bridgewater, Hanson, Kingston, Pembroke, Plymouth, Plympton, Wareham, West Bridgewater and Whitman, all in the county of Plymouth; and the towns of Bourne and Sandwich, both in the county of Barnstable.

First Suffolk. -- Consisting of precincts numbered seven and eight of ward numbered three; precinct numbered two of ward numbered four; precincts numbered three, six, seven, eight, nine and ten of ward numbered five; ward numbered six; ward numbered seven; ward numbered eight; precincts numbered one, two and three of ward numbered nine; ward numbered thirteen; ward numbered fifteen; precinct numbered one of ward numbered sixteen; and precincts numbered one and two of ward numbered seventeen of the city of Boston, in the county of Suffolk.

Second Suffolk. -- Consisting of precincts numbered one, three, four, five, six, seven, eight, nine, and ten of ward numbered four; precincts numbered one and two of ward numbered five; precincts numbered four and five of ward numbered nine; ward numbered ten; precincts numbered one, two, three, four and five of ward numbered eleven; ward numbered twelve; ward numbered fourteen; precincts numbered three, five, and six of ward numbered seventeen; precincts numbered two, three, and twenty-one of ward numbered eighteen; and precincts numbered one and three of ward numbered nineteen of the city of Boston, in the county of Suffolk.

Suffolk, Essex and Middlesex. -- Consisting of ward numbered two; and precincts numbered one, two, four and five of ward numbered three in the city of Boston, and the cities of Chelsea and Revere, all in the county of Suffolk; and precincts numbered two, four, six, eight and nine of the town of Saugus, in the county of Essex; and the city of Everett, in the county of Middlesex.

Suffolk and Middlesex. -- Consisting of ward numbered one; precincts numbered three and six of ward numbered three; precincts numbered four and five of ward numbered five; precincts numbered one, two, three, four, five, six, seven, eight and ten of ward numbered twenty-one; in the city of Boston, and the town of Winthrop, in the county of Suffolk; and wards numbered one, two, three, four and five and six of Cambridge, in the county of Middlesex.

First Suffolk and Norfolk. -- Consisting of precincts numbered ten, eleven, twelve, seventeen, eighteen, nineteen, twenty, twenty-two and twenty-three of ward numbered eighteen; precincts numbered two, ten, eleven, twelve and thirteen of ward numbered nineteen; and ward numbered twenty, of the city of Boston, in the county of Suffolk; and the towns of Dedham, Medfield, Walpole and Westwood, all in the county of Norfolk.

Second Suffolk and Norfolk. -- Consisting of precincts numbered six, seven, eight, nine and ten of ward numbered eleven; precincts numbered two, three, four, five, six, seven, eight, nine, ten, eleven and twelve of ward numbered sixteen; precincts numbered four, seven, eight, nine, ten, eleven, twelve, thirteen and fourteen of ward numbered seventeen; precincts numbered one, four, five, six, seven, eight, nine, thirteen, fourteen, fifteen and sixteen of ward numbered eighteen; and precincts numbered four, five, six, seven, eight and nine of ward numbered nineteen, of the city of Boston, in the county of Suffolk; and the towns of Milton and Randolph, both in the county of Norfolk.

Worcester. -- Consisting of wards numbered one, two, three, four, nine and ten of the city of Worcester and the towns of Boylston, Clinton, Shrewsbury and West Boylston, all in the county of Worcester.

Worcester, Franklin, Hampden and Hampshire. -- Consisting of the towns of Ashburnham, Athol, Barre, Brookfield, East Brookfield, Hardwick, Hubbardston, New Braintree, North Brookfield, Oakham, Paxton, Petersham, Phillipston, Royalston, Rutland, Spencer, Sturbridge, Templeton, Warren, West Brookfield, and Winchendon, all in the county of Worcester; and the towns of Bernardston, Erving, Gill, Leyden, New Salem, Northfield, Orange, Shutesbury, Warwick and Wendell, all in the county of Franklin; and the towns of Brimfield, Holland, Monson, Palmer and Wales, all in the county of Hampden; and the towns of Belchertown, Pelham and Ware, all in the county of Hampshire.

First Worcester and Middlesex. -- Consisting of wards numbered five, six, seven and eight of the city of Worcester and the towns of Grafton, Hopedale, Leicester, Millbury, Northborough, Sutton, Upton, and Westborough, all in the county of Worcester; and the town of Hopkinton, in the county of Middlesex.

Second Worcester and Middlesex. -- Consisting of the cities of Fitchburg, Gardner, and Leominster and the towns of Bolton, Holden, Lancaster, Lunenburg, Princeton, Sterling and Westminster, all in the county of Worcester; the towns of Ashby and Townsend, both in the county of Middlesex.

Worcester and Norfolk. -- Consisting of the towns of Auburn, Blackstone, Charlton, Douglas, Dudley, Mendon, Milford, Millville, Northbridge, Oxford, Southbridge, Uxbridge, and Webster, all in the county of Worcester; and the town of Bellingham, in the county of Norfolk.

**SECTION 2.** The supreme judicial court shall have exclusive jurisdiction of any petition for a writ of mandamus relative either to the establishment of eight executive councillor districts, or to the establishment of forty senatorial districts under section one. Every such petition shall be filed in court within ten days after the effective date of this act.

**SECTION 3.** Notwithstanding any general or special law to the contrary, the presidential primary held in nineteen hundred and eighty-eight shall be conducted according to any wards and precincts established in nineteen hundred and eighty-five and eighty-six under the provisions of sections one, two, and six of chapter fifty-four of the General Laws. The election of state committee members at said primary shall be conducted according to the senatorial districts established under the provisions of section one of this act.

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

Approved July 23, 1987.

**Chapter 306. AN ACT AUTHORIZING CITIES AND TOWNS TO INCREASE FEES FOR CERTIFICATES OF LIENS.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately increase the fees for certificates in certain cities and towns, 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 23A of chapter 60 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "section", in lines 1 and 2, the words:- , prior to January first, nineteen hundred and eighty-eight.

**SECTION 2.** Said chapter 60 is hereby further amended by inserting after section 23A the following section:-

Section 23B. In any city or town accepting the provisions of this section, the collector of taxes shall furnish a certificate of liens as provided in section twenty-three according to the following fee schedule: for land of less than one acre upon which there is no permanent structure, a fee of twenty-five dollars; for land upon which is situated no more than a single family residence and outbuildings, a fee of twenty-five dollars; for land upon which is situated no more than a two family residence and outbuildings, a fee of twenty-five dollars; for land upon which is situated no more than a three family residence with outbuildings, a fee of twenty-five dollars; for land upon which is situated a residence for four or more families, a fee of one hundred dollars; for land upon which is situated a commercial, industrial or public utility structure, a fee of one hundred and fifty dollars; for farms, forest land and all other real property, a fee of fifty dollars. In no case shall the fee exceed one half of one per cent of the assessed value of the real estate and the money so received shall be paid into the town treasury.

**SECTION 3.** This act shall take effect on January first, nineteen hundred and eighty-eight.

Approved July 23, 1987.

---

**Chapter 307. AN ACT PROVIDING FOR THE IMPROVEMENT OF THE CLINTON WASTEWATER TREATMENT PLANT.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for improvements to the Clinton wastewater treatment plant, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

---

ACTS, 1987. - Chap. 307.

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, the ownership, possession and control of the town of Clinton wastewater treatment plant is hereby conveyed to and vested in the Massachusetts Water Resources Authority. With respect to the operation, improvement and enlargement of said plant, said Authority shall be subject to the provisions of chapter three hundred and seventy-two of the acts of nineteen hundred and eighty-four. Any political subdivisions served by said plant shall be subject to the provisions of clause (c) of section eight of said chapter three hundred and seventy-two.

**SECTION 2.** Commencing on the effective date of this act, the Massachusetts Water Resources Authority may enter into contracts relating to, and shall be eligible for grants and other assistance for, improvements and enlargement to be made to said plant and any necessary appurtenances thereto. Projects for improvement and enlargement of said plant shall take into account the sewage treatment needs of the town of Clinton and the Lancaster sewer district and the septage needs of the towns of Sterling, Bolton, Lancaster, Clinton and Berlin. Said Authority is hereby authorized to take, pursuant to section nine of chapter three hundred and seventy-two of the acts of nineteen hundred and eighty-four, real property or any interests or rights therein in said towns deemed by it essential to achieve the purposes of this act and said chapter three hundred and seventy-two.

**SECTION 3.** The share of the costs of projects improving and enlarging said plant to be borne by the Massachusetts Water Resources Authority shall not exceed the local share.

**SECTION 4.** The division of water pollution control in the department of environmental quality engineering is hereby authorized and directed to expend a sum, not to exceed four million dollars, as a grant to the Massachusetts Water Resources Authority for the purpose of meeting the local share of project costs to be incurred by said Authority.

**SECTION 5.** 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 four 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-two. 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, and shall be payable from the Local Aid Fund.

**SECTION 6.** To meet the expenditures necessary in carrying out the provisions of section four, 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 million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Nashua Basin Wastewater Treatment Plant Improvement Loan, Act of 1987, 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, of the year two thousand and twelve. Bonds and interest thereon under the authority of this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth and shall be payable from the Local Aid Fund.

**SECTION 7.** The ownership, possession and control of personal property at and associated with the town of Clinton wastewater treatment plant shall be transferred to the Massachusetts Water Resources Authority, and shall thereafter be in the ownership, possession and control of said Authority. All books, maps, papers, plans, records and documents of whatever description pertaining to the design, construction, operation and affairs of the plant which are in the possession of the metropolitan district commission shall be transferred and delivered to said Authority for its use, ownership, possession and control. The real property associated with said plant shall be deemed to be "system real property" as defined in section two of chapter three hundred and seventy-two of the acts of nineteen hundred and eighty-four. Said Authority shall not be liable for any claims, damages, penalties or liabilities arising out of or based upon matters occurring prior to the transfer to it of the legal responsibility for the operations of said plant.

**SECTION 8.** In order to compensate the town of Clinton for use of certain land in said town for watershed purposes, the division of watershed management within the metropolitan district commission shall make an annual payment to said town, subject to appropriation, in an amount equal to the user fees levied against said town by the Massachusetts Water Resources Authority for services provided by the town of Clinton wastewater treatment plant not to exceed five hundred thousand dollars; provided, however, that said Authority shall annually compensate said town for such purposes in an amount equal to the user fees levied against said town by said Authority which exceeds five hundred thousand dollars during each year.

---

**ACTS, 1987. – Chap. 308.**

**SECTION 9.** A duplicate copy of each sewage bill submitted to the town of Clinton shall be forwarded to the division of watershed management within the metropolitan district commission at the time said billing is made by the Massachusetts Water Resources Authority. Said division within thirty days of receipt of said billing shall forward an amount, subject to the provisions of section eight, to said town. Within ten days of receipt of such sum, said town shall forward such amount to said Authority. No amount of such payments by said division shall be included in the amount of the annual determination of fiscal year charges to said authority assessed to said authority under section one hundred and thirteen of chapter ninety-two of the General Laws.

**SECTION 10.** Chapter five hundred and fifty-seven of the acts of eighteen hundred and ninety-eight is hereby repealed.

**SECTION 11.** Chapter four hundred and sixty-two of the acts of nineteen hundred and fifty-four is hereby repealed.

**SECTION 12.** Chapter five hundred and nine of the acts of nineteen hundred and eighty is hereby repealed.

Approved July 23, 1987.

---

**Chapter 308. AN ACT RELATIVE TO ADJUSTMENTS IN THE CALCULATION OF LENDING LIMITATIONS FOR CERTAIN STOCK CORPORATIONS.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for adjustments in the calculation of lending limitations for certain stock 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.** Notwithstanding the provisions of subsection A of section fourteen of chapter one hundred and sixty-seven E of the General Laws to the contrary, for purposes of calculating the limitations prescribed under said subsection A, any stock corporation that had negative undivided profits as of October seventeenth, nineteen hundred and eighty-four, shall treat the value of such undivided profits as zero through December thirty-first, nineteen hundred and eighty-six. The value of any additional negative undivided profits accumulated after October seventeenth, nineteen hundred and eighty-four, shall be included for purposes of calculating the limitations prescribed under said subsection A.

**SECTION 2.** This act shall take effect as of October seventeenth, nineteen hundred and eighty-four.

Approved July 23, 1987.

---

**ACTS, 1987. - Chaps. 309, 310.**

**Chapter 309. AN ACT AUTHORIZING THE APPOINTMENT OF SPECIAL POLICE OFFICERS IN THE CITY OF NORTHAMPTON.**

Be it enacted, etc., as follows:

**SECTION 1.** The mayor of the city of Northampton may appoint, subject to confirmation by the city council, such special police officers for the city of Northampton as he deems necessary for the safety and protection of the citizens of said city.

**SECTION 2.** Said special police officers shall have the same power to make arrests and to perform other police functions as do reserve police officers of the city and shall be subject to the same training requirements as said reserve police officers.

**SECTION 3.** Said special police officers shall be appointed annually in the month of January and shall serve for a term of one year, subject to removal by the mayor. Said special police officers shall be sworn before the city clerk of the city of Northampton who shall keep a record of all such appointments.

**SECTION 4.** Special police officers appointed under the provisions of this act shall not be subject to the provisions of chapter thirty-one of the General Laws.

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

Approved July 23, 1987.

---

**Chapter 310. AN ACT RELATIVE TO CERTAIN BENEFITS PAYABLE BY THE WALTHAM POLICE RELIEF ASSOCIATION INCORPORATED.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter one hundred and thirty-six of the acts of nineteen hundred and eighty-two is hereby repealed.

**SECTION 2.** Chapter 314 of the acts of 1959 is hereby amended by striking out section 1, as most recently amended by chapter 592 of the acts of 1969, and inserting in place thereof the following section:-

**Section 1.** The Waltham Police Relief Association Incorporated, a corporation duly organized 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 Waltham, to pay such member such sum, not exceeding ten thousand dollars, as may be determined by vote of the board of directors of said corporation. Said association is

---

**ACTS, 1987. – Chap. 311.**

further authorized, upon the death of a member, to pay to the designated beneficiary of said member, an amount, not exceeding twenty thousand dollars, as may be determined by said board. Said Association is hereby further authorized to pay a member upon the death of his spouse such sum, not exceeding five hundred dollars, as may be determined by said board.

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

Approved July 23, 1987.

---

**Chapter 311. AN ACT AUTHORIZING THE TOWN OF WESTBOROUGH TO RECALL ELECTED OFFICIALS.**

Be it enacted, etc., as follows:

**SECTION 1.** Any holder of an elected office in the town of Westborough may be recalled, and removed therefrom by the qualified voters of said town as herein provided.

**SECTION 2.** Any two hundred registered voters, of which twenty-five shall be from each precinct, of the town of Westborough may initiate a recall petition by filing 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. Upon certification by the town clerk, said town clerk shall thereupon, within two business days, deliver to the voter first named on such affidavit a sufficient number of copies of petition blanks demanding such recall. Said blanks shall be issued by the town clerk with the town clerk's 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 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 on or before five o'clock p.m. on the thirtieth day after the filing of the affidavit. In the event the thirtieth day is a Saturday, Sunday, or holiday, the petition may be filed on the next business day. Said petition before being returned and filed shall be signed by twenty per cent of the registered voters, said twenty per cent to consist of at least ten per cent of the registered voters from each precinct, and to every signature shall be added the place of residence of the signer, giving the street and number. The town clerk shall, within one business day following the date of such filing with the town clerk, submit the recall petition to the board of registrars of voters in the town, which shall, within five business days after the day of receipt, certify in writing thereon the number of signatures which are those of registered voters in said town as of the date such affidavit was

---

**ACTS, 1987. – Chap. 311.**

filed with the town clerk. The board of registrars of voters shall, upon completion of its certification, return the petition to the town clerk.

**SECTION 3.** If the petition shall be found and certified by the town clerk to be sufficient, the town clerk shall submit the same with the town clerk's certificate thereon to said selectmen without delay, and said selectmen shall immediately give to said elected officer whose recall is sought written notice 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 special election to be held not less than sixty nor more than seventy days after the date of the town clerk's certificate that a sufficient petition has been filed; provided, however, that if any other town election is to occur within ninety 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 recall election has been ordered, the election shall nevertheless proceed as provided in this section.

**SECTION 4.** 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 same, shall all be in accordance with the provisions of law relating to elections unless otherwise provided by this act.

**SECTION 5.** The incumbent shall continue to perform the duties of his office until the recall election. If the recall fails, or if the incumbent is reelected, he shall continue in the office for the remainder of his unexpired term, subject to recall as before, except as provided in this act. If not reelected 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 proposition 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. Just above said squares there shall appear the direction "vote for one". 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

---

**ACTS, 1987. - Chap. 312.**

affirmative, then the candidate who received the highest number of votes in the special election to fill the vacancy shall be elected. If a majority of the votes cast on the recall 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 six months after he takes office, nor, 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 8.** No person who has been removed from an office or who has resigned from office while recall proceedings were pending against that person, shall be appointed to any town office within two years after such removal or such resignation.

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

Approved July 23, 1987.

---

**Chapter 312. AN ACT AUTHORIZING AN ADDITIONAL TIME PERIOD FOR THE CITY OF BOSTON TO ADD OMITTED PROPERTY TO THE TAX LIST FOR FISCAL YEAR NINETEEN HUNDRED AND EIGHTY-SIX.**

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-six by the city of Boston, the assessors for said city shall, at such time as the commissioner of revenue may in writing approve, but not later than thirty days after the effective date of this act, 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 subject to the provisions of this act. The taxes so assessed shall be entered on the fiscal year nineteen hundred and eighty-six tax list of the collector for said city who shall collect and pay over the same. The assessors of said city shall also deliver to the collector their warrants for collection of all taxes so entered on the tax list. Such additional assessments shall not render the tax levy of said city invalid although its amount, in consequence thereof, shall exceed the amount otherwise authorized by law to be raised.

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

Approved July 23, 1987.

**Chapter 313. AN ACT FURTHER REGULATING STREET TRADES FOR CHILDREN.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately allow children between the ages of nine and eleven to deliver newspapers, 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 149 of the General Laws is hereby amended by striking out section 69, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:–

Section 69. No boy or girl under twelve shall sell, expose or offer for sale any magazines, periodicals or any other articles of merchandise of any description, or exercise the trade of bootblack or scavenger, or any other trade, in any street or public place.

A boy or girl nine years of age or older may engage or be employed in any city or town in the sale or delivery of newspapers; provided, however, that the publisher or distributor of the newspapers provides the boy or girl with written policies regarding the activities and responsibilities of the boy or girl and of the publisher or distributor; provided, further, that the publisher or distributor provides an orientation and training program for the boy or girl before he or she undertakes responsibility for newspaper sales or delivery; and provided further that the boy or girl provides the publisher or distributor with a written statement of permission to sell or deliver newspapers from a parent or guardian, said parent or guardian having previously reviewed the policies of the newspaper relative to sales or delivery.

No child shall be so employed during the hours that the public schools in the city or town in which such boy or girl resides are in session nor before six o'clock in the morning nor after eight o'clock in the evening.

Any newspaper which willingly and knowingly employs any boy or girl contrary to the provisions of this section shall be subject to a fine of not less than two hundred and fifty nor more than five hundred dollars.

Approved July 23, 1987.

---

**Chapter 314. AN ACT RELATIVE TO A LOAN OR DISCOUNT ON THE SECURITY OF SHARES OF CAPITAL STOCK OF BANKS.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately permit banks, in conjunction with their authority to convert to stock form, to repurchase stocks previously issued, 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 167E of the General Laws is hereby amended by striking out section 13, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 13. No such bank shall directly or indirectly make a loan or discount on the security of the shares of its own capital stock or on the security of the shares of capital stock of any company, fifty per cent or more of the assets of which consists of capital stock of such corporation, unless such security shall be necessary to prevent loss upon a debt previously contracted in good faith. Any officer or employee of a bank who knowingly violates any provision of this section shall be punished by a fine of not more than five thousand dollars or by imprisonment for not more than one year, or both.

Approved July 23, 1987.

---

**Chapter 315. AN ACT PROVIDING FOR AN EMERGENCY SHELTER  
FOR THE HOMELESS IN THE CITY OF NORTH-  
AMPTON.**

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 execute and deliver in the name and on behalf of the commonwealth in a form approved by the attorney general, a lease to the Northampton housing authority for a certain parcel of land together with the buildings thereon located in the city of Northampton, hereinafter referred to as "parcel K-1", for the purpose of providing a shelter for the homeless, subject to the provisions of section 2 of this act, and to such conditions as the deputy commissioner may prescribe in consultation with the executive office of communities and development. The terms of said lease shall run for a period of forty years. If the authority so requests, said lease may be renewed after said term for such time or times, and on such terms and conditions as may be agreed to by the authority and the division, or their successors in interest, but which shall be subject in each case to the approval of the general court. If the original term or a renewal term would otherwise have expired during the time that the authority and the division, or their successors in interest, are negotiating a renewal of the lease or during the time that the general court is considering approval of the lease, the term 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 thereof, and for the same lease conditions as are in effect during the last year of the lease prior to the automatic extension, and shall remain in effect while awaiting favorable general court action,



until the renewal lease document requiring such favorable action is executed by the division or its successor. 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 occurs sooner.

**SECTION 2.** In the event that Parcel K-1 is not used for the purposes described in this section within five years of the date of this act or if the Northampton Housing Authority ceases to use the parcel for such purposes in the future, the parcel shall revert to the Commonwealth under such terms and conditions as the deputy commissioner may prescribe.

**SECTION 3.** Said Parcel K-1 is bounded and described as follows:

Parcel K-1: A certain parcel of land located on the northerly line of West Street and bounded easterly by the Mill River Northampton, Hampshire County, Massachusetts:

Beginning at a point on the northerly line of West Street said point being located at the intersection of the northerly line of West Street and the centerline of the Mill River;

thence S 68° 55' 07" W, along said West Street, approximately 218' to a point;

thence southwesterly by a curve to the left having a radius 316.89', an arc distance of 128.22' to a point;

thence S 45° 44' 07" W, 43.81' to a point at land of the Commonwealth of Massachusetts;

thence N 09° 07' 28" W, 249.60' to a point;

thence N 66° 59' 27" E, 135.07' to a point;

thence N 82° 13' 48" E, 215' to a point at the centerline of the Mill River at land now or formerly of the Trustees of the Smith College, the preceding three courses being by land of the Commonwealth of Massachusetts;

thence southerly along the centerline of Mill River and land now or formerly of the aforesaid Trustees, approximately 155' to the point of beginning.

The above described Parcel K-1 contains approximately 1.62 acres and is more particularly shown on a plan entitled "Plan of Land in Northampton, Massachusetts," by Almer Huntley, Jr. and Associates, Inc., 125 Pleasant Street, Northampton, Massachusetts, sheet 1 of 1, scale 1"=100', dated September 16, 1981, a copy of which is on file with the division of capital planning and operations. The precise configuration and area shall be described in a land survey accompanying the Master Plan.

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

Approved July 23, 1987.

---

---

**ACTS, 1987. - Chaps. 317, 318.**

Be it enacted, etc., as follows:

Section 6 of chapter 167E of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following paragraph:-

15. Notwithstanding any provisions of the law to the contrary, any note or mortgage may provide for at least bi-weekly principal and interest.

Approved July 23, 1987.

---

**Chapter 317. AN ACT FURTHER REGULATING CONSUMER CREDIT REPORTING.**

Be it enacted, etc., as follows:

Chapter 93 of the General Laws is hereby amended by inserting after section 66 the following section:-

Section 66A. Any person who is convicted of knowingly and willfully introducing, attempting to introduce or causing to be introduced, false information into a consumer reporting agency's files for the purpose of damaging or enhancing the credit information of any individual shall be punished by a fine of not more than five thousand dollars or by imprisonment for not more than one year, or both.

Approved July 23, 1987.

---

**Chapter 318. AN ACT RELATIVE TO THE MASSACHUSETTS HOUSING FINANCE AGENCY.**

Be it enacted, etc., as follows:

Paragraph (b) of section 8 of chapter 708 of the acts of 1966 is hereby amended by striking out the sixth sentence, as most recently amended by chapter 406 of the acts of 1984, and inserting in place thereof the following sentence:- The aggregate principal of such notes and bonds of the MHFA issued to make mortgage loans pursuant to section five, outstanding at any one time shall not exceed the sum of two billion four hundred million dollars of which one hundred and fifty million dollars shall be used only to make mortgage loans in cities and towns which have been found to have a rate of unemployment of at least six percentum in the issue of "Area Trends in Employment and Unemployment" published by the United States Department of Labor for the October preceding the making of any such loan.

Approved July 23, 1987.

EMERGENCY LETTER: July 23, 1987 @ 4:42 P.M.

**Chapter 319. AN ACT PROVIDING FOR UNIFORM STATUTORY WILLS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 9 of chapter 191 of the General Laws is hereby amended by adding the following paragraph:-

This section shall not apply to a will made under the provisions of chapter one hundred and ninety-one B unless the will otherwise provides.

**SECTION 2.** The General Laws are hereby amended by inserting after chapter 191A, as so appearing, the following chapter:-

CHAPTER 191B.

UNIFORM STATUTORY WILL ACT.

Section 1. This chapter may be cited as the Massachusetts Uniform Statutory Will Act.

As used in this chapter, the following words and phrases shall have the following meanings:-

(1) "Child", except as modified by this paragraph, a child of a natural parent whose relationship is involved. An adopted individual is the child of the adopting parents and not of the natural parents, but an individual adopted by the spouse of a natural parent is also the child of either natural parent. An individual born out of wedlock is not the child of the father unless the individual is openly and notoriously so treated by the father. The term does not include an individual who is a stepchild, a foster child, a grandchild, or a more remote descendant.

(2) "Issue", all lineal descendants of an individual of all generations, with the status of a child at each generation being determined by the definition of child.

(3) "Personal representative", the executor, administrator, successor personal representative, special administrator, or a person who performs substantially the same functions relating to the estate of a decedent under the law governing their status.

(4) "Property", an interest, present or future, legal or equitable, vested or contingent, in real or personal property.

(5) "Representation", a division of the estate into as many equal shares as there are surviving issue in the nearest degree of kinship and deceased individuals in the same degree who left issue surviving the decedent, each surviving issue in the nearest degree receiving one share and the share of each deceased individual in the same degree being divided among issue of that individual in the same manner.

(6) "Statutory will estate", the entire testamentary estate, except as otherwise provided in the will.

(7) "Surviving spouse", the individual to whom the testator was married at the time of death except a spouse from whom the testator was then separated under a decree of separation, whether or not final, or

written separation agreement signed by both parties. An individual separated from the testator whose marriage to the testator continues in effect under the law of the commonwealth solely because a judgment of divorce or annulment of the marriage is not recognized as valid in the commonwealth is not the testator's surviving spouse under this chapter. An individual whose marriage to the testator at the time of death is not recognized in the commonwealth solely because a judgment of divorce or annulment of a previous marriage of either or both of them is not recognized as valid in the commonwealth is the testator's surviving spouse under this chapter.

(8) "Testamentary estate", every interest in property subject to disposition or appointed by a will of the decedent.

(9) "Testator's residence", one or more properties normally used at the time of the testator's death by the testator or the surviving spouse as a residence for any part of the year. If the property used as a residence is a unit in a cooperative or other entity, it includes all rights and interests relating to such unit. If the property is used in part for a commercial, agricultural, or other business purpose, the testator's residence is an area not exceeding three acres, which includes the structure used in whole or in part as a residence and structures normally used by the testator in connection with the dwelling and excludes structures and areas outside the dwelling used primarily for a commercial, agricultural, or other business purpose.

(10) "Trustee", an original, additional, or successor trustee, whether or not appointed or confirmed by the court.

Section 2. An individual having capacity to make a will under the laws of the commonwealth may make a statutory will under the provisions of this chapter. The will shall be executed in a manner recognized as valid under the laws of the commonwealth.

Section 3. (a) A will may incorporate by reference the provisions of this chapter in whole or in part and with any modifications and additions the will provides. To the extent an express provision of a will conflicts with this chapter, the terms of the will shall govern.

(b) A provision that all or part of the testator's testamentary estate is to be disposed of in accordance with the provisions of this chapter incorporates by reference provisions of this chapter in effect on the date the will is executed.

(c) An incorporation by reference of provisions of this chapter may be in the following or a substantially similar form:

"Except as otherwise provided in this will, I direct that my testamentary estate be disposed of in accordance with the Massachusetts Uniform Statutory Will Act."

Section 4. The statutory will estate shall pass as provided in sections five to nine, inclusive.

Section 5. (a) The share of a surviving spouse shall be:

- (1) If there is no surviving issue, the entire statutory will estate; or
- (2) If there is a surviving issue,
  - (i) subject to any lien or encumbrance, the testator's residence and

tangible personal property, except personal property held primarily for investment or for a commercial, agricultural, or other business purpose;

(ii) the greater of three hundred thousand dollars, or one-half of the balance of the statutory will estate; and

(iii) subject to the provisions of subsection (b), an interest in the remaining portion of the statutory will estate, including any property that would pass under the provisions of subclauses (i) or (ii) of this subsection but disclaimed by the surviving spouse, in a trust upon the terms set forth in section six.

(b) If the personal representative, other than the surviving spouse, determines that the trust under section six would be uneconomical, the entire statutory will estate shall pass to the surviving spouse.

Section 6. Property held in trust under the provisions of subclause (iii) of clause (2) of subsection (a) of section five(a)(2)(iii) shall be held upon the following terms:

(1) During the life of the surviving spouse, the entire net income shall be paid to or for the benefit of the surviving spouse in quarterly or more frequent installments. Net income accrued or undistributed on the death of the surviving spouse shall be paid to the estate of the spouse. If unproductive property is held in the trust, the surviving spouse at any time by written instrument delivered to the trustee may compel conversion of the unproductive property to productive property.

(2) During the life of the surviving spouse, the trustee at any time may pay to or for the benefit of the surviving spouse and issue of the testator amounts of the principal the trustee deems advisable, giving reasonable consideration to other resources available to the distributee, for the individual's needs for health, education, support, or maintenance. For the purpose of making those discretionary payments, the principal must be administered as two separate shares, which at the inception of the trust must be equal. One share is the surviving spouse's share of the principal. During the life of the surviving spouse, payments may not be made from the surviving spouse's share to anyone other than the surviving spouse. Primary consideration shall be given to the needs of the surviving spouse and the children of the testator who are under the age of twenty-three years or under disability. The trustee may rely in good faith on a written statement furnished by a beneficiary. The discretion to pay principal to or for the benefit of any individual includes the discretion after that individual's death to pay expenses incurred before the individual's death and to pay funeral and burial expenses. If the trustee, other than the surviving spouse, determines that continuation of the trust is uneconomical, the trustee may terminate the trust by distribution of principal to the surviving spouse. Principal that in the exercise of the trustee's discretion is paid to or for the benefit of any issue may be charged against any share of income or principal thereafter existing for that issue or for any ancestor or descendant of that issue, if the trustee upon equitable considerations so determines. If the surviving spouse or any issue is serving as trustee, the trustee's discretion pursuant to this paragraph is not exercisable in favor of that trustee except as necessary for the trustee's needs for health,

education, support, or maintenance, nor is the trustee's discretion exercisable in favor of the trustee's estate, the trustee's creditors, or creditors of the trustee's estate.

(3) On the death of the surviving spouse, the principal, unless retained in trust under the provisions of section eight or nine, shall be paid, subject to any charges made by the trustee under the provisions of subparagraph (2), to the children of the testator in equal shares if all of the children are then living, otherwise to the then living issue of the testator by representation or, if no issue of the testator is then living, to the individuals who would be entitled to receive the estate as if the property were located in the commonwealth and the testator had then died intestate domiciled in the commonwealth in proportions determined under the law then existing.

Section 7. (a) If there is no surviving spouse, the statutory will estate shall pass, subject to the provisions of sections eight and nine, as follows:

(1) If there is surviving issue, in equal shares to the children of the testator if all of them survive, otherwise to the surviving issue of the testator by representation; or

(2) If there is no surviving issue, to the individuals entitled to receive the estate as if the property were located in the commonwealth and the testator had died intestate domiciled in the commonwealth in the proportions so determined.

(b) Unless the personal representative determines that a trust would be uneconomical, property to which the provisions of section eight or nine applies shall be distributed to the trustee. If the personal representative determines that a trust would be uneconomical, the property shall pass under the provisions of subsection (a) free of trust. The discretion provided in this subsection to the personal representative shall not be exercised by any of the testator's issue serving as personal representative.

Section 8. (a) If property is distributable under the provisions of subparagraph (3) of section six or of section seven to a child of the testator who is under the age specified in the will or, if the will does not specify an age, under the age of twenty-three years, all shares distributable to issue of the testator shall be held in a trust under the provisions of this section. In exercising powers under subsections (b) and (c), primary consideration shall be given to the needs of children of the testator who are under the age of twenty-three years or under disability.

(b) Until no living child of the testator is under the age determined under subsection (a), the trustee shall pay the income and principal of the trust to or for the benefit or account of one or more of the issue of the testator in amounts the trustee deems advisable for their needs for health, education, support, or maintenance. Income not so paid may be added to principal.

(c) The trustee at any time in its discretion may distribute to a beneficiary the share, in whole or in part, of the trust to which the distributee would be entitled if the trust then terminated. If the whole of a share has been distributed under this subsection, the trustee

thereafter shall not make any further distribution of income or principal to such distributee or issue of such distributee.

(d) The trust terminates when no living child of the testator is under the age determined under subsection (a) or the trustee determines that continuation of the trust is uneconomical.

(e) Subject to the provisions of subsection (c) and section nine, the property in the trust shall be distributed upon termination to the issue of the testator in proportion to the shares determined at the death of the surviving spouse under the provisions of subparagraph (3) of section six, or at the death of the testator under the provisions of section seven, if there is no surviving spouse. In determining the amount to be distributed to any distributee, the trustee shall charge the share of that distributee with any partial distribution made under subsection (c) and may charge, in its discretion, the share of that distributee with distributions under subsection (b) to or for the benefit or account of the distributee, or issue or ancestor of the distributee. If any issue whose share is held in trust under the provisions of this section dies before the complete distribution of the share, the property to which the issue would have been entitled if living must be distributed to the assignees, or, if none, to the estate of the deceased issue.

(f) If an issue is serving as trustee, the discretion of the trustee under this section is not exercisable, except as necessary for that individual's needs for health, education, support, or maintenance, in favor of that individual, that individual's estate, that individual's creditors, or the creditors of that individual's estate.

Section 9. (a) If property becomes distributable by a personal representative or trustee to an individual under the age specified in the will or, if the will does not specify an age, under the age of twenty-three years, or to an individual who the personal representative or trustee determines cannot effectively manage or apply the property by reason of mental illness, mental deficiency, physical illness or disability, chronic use of drugs, chronic intoxication, or other cause: (i) the personal representative or trustee, as to principal or income, may distribute part or all of the property to the distributee directly, by deposit or investment in the distributee's name or for the distributee's account, or to a guardian or conservator for the distributee; (ii) the personal representative may distribute to the trustee in trust under clause (iii); or (iii) the trustee may retain all or any part of the property in trust for the distributee and thereafter at any time the trustee may distribute or apply part or all of the principal or income to or for the benefit or account of the distributee.

(b) Unless terminated earlier, a trust under clause (iii) subsection (a) shall terminate upon the attainment of the required age, removal of the disability, or death of the distributee. Upon such termination, the trustee shall distribute the remaining trust property to the distributee or personal representative of the distributee's estate.

(c) The provisions of this section shall not apply to distributions to a surviving spouse of the testator.

Section 10. (a) A will incorporating by reference the terms of this

chapter shall not exercise a power of appointment unless (i) the will complies with any conditions imposed on the exercise of the power, (ii) the appointment is within the scope of the power, and (iii) the will expressly refers to the power or expresses an intent to exercise any power of appointment held by the testator.

(b) If a power of appointment is exercised as provided in subsection (a), the appointed property shall pass as part of the statutory will estate unless the will provides otherwise.

Section 11. An individual who does not survive the testator by thirty days or more shall be treated as if the individual predeceased the testator.

Section 12. (a) The person named in the will as personal representative or trustee shall be entitled to serve, if qualified, as personal representative or trustee.

(b) If a qualified person is not named in the will as personal representative, or the named person is incapacitated, unwilling to serve, or dead, and a qualified alternate is not named in the will, priority for appointment as personal representative is determined by the law of the state of decedent's domicile at death.

(c) If a qualified person is not named in the will as trustee, or the named person is incapacitated, unwilling to serve, or is dead, and a qualified alternate is not named in the will, the personal representative may appoint, without court approval, a qualified person, including a person serving as personal representative, to serve as trustee.

(d) If a personal representative or trustee resigns, is removed, becomes incapacitated, or dies, the surviving spouse or, if there is no surviving spouse or the surviving spouse is unable or unwilling to act, a majority of the adult children of the testator, may appoint a qualified successor personal representative or trustee.

(e) In all other cases, personal representatives and trustees must be appointed by the court.

Section 13. (a) Subject to the provisions of subsection (c) and, except as expressly provided by will, a trustee, in addition to any other powers conferred by law, without prior approval of any court may:

(1) retain property in the form in which it is received, including assets in which the trustee is personally interested;

(2) make ordinary or extraordinary repairs, store, insure, or otherwise care for any tangible personal property, and pay shipping or other expense relating to the property as the trustee considers advisable;

(3) abandon property the trustee determines to be worthless;

(4) invest principal and income in any property the trustee determines and, without limiting the generality of the foregoing, invest in shares of an investment company or in shares or undivided portions of any common trust fund established by the trustee;

(5) sell, exchange, or otherwise dispose of property at public or private sale on terms the trustee determines, no purchaser being bound to see to the application of any proceeds;

(6) lease property on terms the trustee determines even if the term extends beyond the time the property becomes distributable;



(7) allocate items of income or expense to income or principal, as provided by law;

(8) keep registered securities in the name of a nominee;

(9) pay, compromise, or contest claims or controversies, including claims for estate or inheritance taxes, in any manner the trustee determines;

(10) participate in any manner the trustee determines in any reorganization, merger, or consolidation of any entity whose securities constitute part of the property held;

(11) deposit securities with a voting trustee or committee of security holders even if under the terms of deposit the securities may remain deposited beyond the time they become distributable;

(12) vote any security in person or by special, limited, or general proxy, with or without power of substitution, and otherwise exercise all the rights that may be exercised by any security holder in an individual capacity;

(13) borrow any amount the trustee considers advisable to obtain cash for any purpose of the trust, and in connection therewith, mortgage or otherwise encumber any property on any conditions the trustee determines even if the term of the loan may extend beyond the term of the trust;

(14) allot in or towards satisfaction of any payment, distribution, or division, in any manner the trustee determines, any property held at the then current fair market value;

(15) hold trusts and shares undivided or at any time hold them or any of them set apart one from another;

(16) enter into a lease or arrangement for exploration and removal or minerals or other natural resources or enter into a pooling or unitization agreement;

(17) sell or exercise stock subscription or conversion rights;

(18) employ persons, including attorneys, auditors, investment advisers, or agents, even if associated with the trustee, to advise or assist the trustee in the performance of duties, act without independent investigation upon their recommendations, and instead of acting personally, employ agents to perform any act of administration, whether or not discretionary;

(19) continue any unincorporated business or venture in which the decedent was engaged at the time of death;

(20) incorporate any business or venture in which the decedent was engaged at the time of death;

(21) distribute property distributable to the estate of an individual directly to the devisees or heirs of the individual; and

(22) perform any other act necessary or appropriate to administer the trust.

(b) Except as expressly provided in the will, the personal representative, in the administration of the estate, shall have all of the powers of a trustee conferred under subsection (a). In addition, the personal representative shall have the power to satisfy written charitable pledges of the decedent, irrespective of whether the pledges

---

**ACTS, 1987. – Chaps. 320, 321.**

constitute binding obligations of the decedent or were properly presented as claims, if in the judgment of the personal representative the decedent would have wanted the pledges satisfied under the circumstances.

(c) Except as expressly provided in the will, the personal representative or trustee shall observe the standards in dealing with the estate which would be observed by a prudent person dealing with the property of another. If the personal representative or trustee has special skills or is named personal representative or trustee on the basis of representation of special skills or expertise, the person is under a duty to use those skills. Except to the extent qualified property is not available, only property that qualifies for the estate tax marital deduction under the Internal Revenue Code, as amended, may be allocated to the surviving spouse under section five or to the surviving spouse's share of principal in a trust established under section six.

Section 14. A personal representative or trustee under this chapter shall serve without giving bond or surety unless the testator by will, or the court upon the application of any person interested in the estate, provides otherwise.

Section 15. 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.

Approved July 23, 1987.

---

**Chapter 320. AN ACT RELATIVE TO GUARDIANS AND CONSERVATORS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 1 of chapter 201 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 4, the words "advanced age,".

**SECTION 2.** Section 16 of said chapter 201, as so appearing, is hereby amended by striking out, in line 1, the words "advanced age or".

**SECTION 3.** Section 21 of said chapter 201, as so appearing, is hereby amended by striking out, in line 1, the words "advanced age or", – and by striking out, in line 6, the words "advanced age,".

Approved July 23, 1987.

---

**Chapter 321. AN ACT FURTHER REGULATING CRIMINAL OFFENDER RECORD INFORMATION.**

Be it enacted, etc., as follows:

---

**ACTS, 1987. - Chaps. 322, 323.**

The first paragraph of section 172 of chapter 6 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by adding the following sentence:- Agencies or individuals granted access under clause (c) shall be eligible to receive criminal offender record information obtained through interstate systems if the board determines that such information is necessary for the performance of the actions or duties sustaining the public interest with respect to such agencies or individuals.

Approved July 23, 1987.

---

**Chapter 322. AN ACT AUTHORIZING THE TEACHER'S RETIREMENT BOARD TO GRANT CERTAIN RETIREMENT BENEFITS TO THE SURVIVING SPOUSE OF KENNETH F. FOLEY.**

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 teacher's retirement board is hereby authorized and directed to pay to Claire D. Foley, the surviving spouse of Kenneth F. Foley, a former teacher of the Greater Lowell Regional Vocational Technical school department, retirement benefits payable to a veteran under option (c) of subdivision (2) of section twelve of chapter thirty-two of the General Laws to a surviving spouse of a member who has retired on an ordinary disability retirement allowance under section six of said chapter thirty-two.

**SECTION 2.** This act shall take effect as of March twenty-ninth, nineteen hundred and eighty-seven.

Approved July 23, 1987.

---

**Chapter 323. AN ACT REGULATING STANDARDS FOR CLINICAL THERMOMETERS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 12 of chapter 98 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 5, the words "seal, mark or otherwise".

**SECTION 2.** Said section 12 of said chapter 98, as so appearing, is hereby further amended by striking out, in lines 13 to 15, inclusive, the words "; but no fee shall be charged for testing thermometers bearing the seal authorized by section thirteen other than those which have been voluntarily submitted for test by the director or inspectors of standards".

---

**ACTS, 1987. - Chap. 324.**

**SECTION 3.** Said chapter 98 is hereby further amended by striking out section 13, as so appearing, and inserting in place thereof the following section:-

Section 13. The director shall prescribe rules and regulations governing the manufacture and sale of clinical thermometers and may require representative samples of any clinical thermometer to be submitted by the manufacturer to the director and approved by him. Clinical thermometers shall be marked with the name, initials or trade mark of the manufacturer. The director may revoke the authority given by him to any manufacturer under the provisions of this section upon proof that the prescribed rules and regulations have not been complied with.

**SECTION 4.** Pursuant to the provisions of section eleven of chapter ninety-eight of the General Laws, the director of standards in the executive office of consumer affairs shall adopt the standard specification of the ASTM E667, except for section 5.6, 7 and 7.1, as the standard for tolerances and specifications for clinical thermometers.

Approved July 23, 1987.

---

**Chapter 324. AN ACT FURTHER REGULATING THE PARTICIPATION OF THE COMMONWEALTH IN THE FINANCING OF THE MASSACHUSETTS DEVELOPMENT FINANCE CORPORATION.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 1 of chapter 40F of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out the definition of "Capital participation investments" and inserting in place thereof the following definition:-

"Capital participation instruments", purchase of stock, both common and preferred, convertible securities, warrants, subscriptions, options to acquire, capital loans, and working capital or inventory loans, royalties, and any other lawful derivations of the foregoing.

**SECTION 1A.** Said section 1 of said chapter 40F is hereby further amended by striking out the definition of "Costs of a project" and inserting in place thereof the following definition:-

"Costs of a project", any and all costs associated with the design, planning, and implementation of a project undertaken in a target area which can reasonably be recovered in the financing of the project. Such costs may include but are not limited to the costs of planning, design, and other administrative costs, options to buy land, feasibility or other studies, seed money, construction, working capital, and other costs determined by the directors of the corporation to be necessary to the

purposes of this chapter; provided, however, that administrative costs shall not exceed ten per cent of the total costs of any project.

**SECTION 2.** Section 3 of said chapter 40F, as so appearing, is hereby amended by striking out paragraph (i) and inserting in place thereof the following paragraph:-

(i) Borrow money by the issuance of debt obligations whether tax exempt or taxable and secure such obligations by the pledge of its revenues or of the revenues, mortgages, and notes of others, provided that the corporation shall not issue debt obligations the principal amount of which, when added to the principal amount of the debt obligations theretofore issued by the corporation, excluding debt obligations previously refunded or being or to be refunded thereby, shall exceed thirty million dollars.

**SECTION 3.** The second paragraph of section 4 of said chapter 40F, as so appearing, is hereby amended by striking out the second sentence.

**SECTION 4.** Said section 4 of said chapter 40F, as so appearing, is hereby further amended by striking out the third paragraph.

**SECTION 5.** Said chapter 40F is hereby further amended by inserting after section 4 the following section:-

Section 4A. The state treasurer acting on behalf of the commonwealth shall enter into an agreement with the corporation providing that the commonwealth shall purchase shares of the corporation in the amount of two million dollars per fiscal year of the commonwealth for a period of two such years; in return for said investment the commonwealth shall receive two hundred thousand shares, designated Class A shares, of stock in the corporation per year upon each purchase for a total of eight hundred thousand shares by the end of the fourth year. The state treasurer acting on behalf of the commonwealth shall enter into an agreement with the corporation providing that the commonwealth shall purchase shares of the corporation in the amount of five hundred thousand dollars per fiscal year of the commonwealth for a period of two such years; in return for said investment the commonwealth shall receive one hundred thousand shares, designated Class B shares, of stock in the corporation per year upon each such purchase for a total of four hundred thousand Class B shares by the end of the fourth year. These shares, together with the shares purchased by the state treasurer pursuant to section four, shall constitute the entire issues of stock of the corporation.

Such stock purchase agreements shall provide for purchase of stock at such time during each such year and upon such terms and under such conditions as the corporation may stipulate. The corporation may pledge such agreements and the rights of the corporation to receive amounts thereunder as security for the payment of debt obligations issued by the corporation. Each such agreement shall constitute a general obligation of the commonwealth for which the faith and credit of the common-

---

**ACTS, 1987. - Chap. 324.**

wealth shall be pledged for the benefit of the corporation and of the holders of any debt obligations of the corporation which may be secured by a pledge of such agreement or of amounts to be received by the corporation under such agreement.

Amounts received by the corporation under the stock purchase agreement relating to Class A shares of stock may be used (i) to purchase capital participation instruments from community development corporations in return for an investment in specific projects as described in section four, (ii) as security for the payment of debt obligations issued by the corporation to finance the purchase of capital participation instruments as aforesaid, (iii) to pay the normal business expenses of the corporation, or (iv) for any combination of the foregoing.

Amounts received by the corporation under the stock purchase agreement relating to Class B shares of stock may be used (i) to purchase capital participation instruments from community development corporations in return for an investment in a specific project related to the full or partial guaranty of performance bonds for minority-owned or women-owned contractors under the conditions described in section four, (ii) as security for the payment of debt obligations issued by the corporation to finance the purchase of capital participation instruments as aforesaid, (iii) to pay the normal business expenses of the corporation, or (iv) for any combination of the foregoing.

**SECTION 6.** Said chapter forty F is hereby repealed.

**SECTION 7.** On or before June thirtieth, nineteen hundred and ninety-four, the board of directors of the Massachusetts Community Development Finance Corporation, at the request of the state treasurer, shall assist the state treasurer in implementing a plan for the sale of the shares of common stock, including Class A shares and Class B shares, which are held by the commonwealth pursuant to chapter forty F of the General Laws.

**SECTION 7A.** The state auditor shall annually conduct a field audit of the Massachusetts Development Finance Corporation.

**SECTION 7B.** The Massachusetts Finance Development Corporation shall notify the senator and representative representing the district in which a community development corporation is located whenever such community development corporation applies for funds from the said Massachusetts Development Finance Corporation.

**SECTION 8.** Section six of this act shall take effect on July first, nineteen hundred and ninety-four.

Approved July 23, 1987.

EMERGENCY LETTER: July 23, 1987 @ 4:42 P.M.

**Chapter 325. AN ACT RELATIVE TO CONDOMINIUM MASTER DEEDS.**

Be it enacted, etc., as follows:

Section 8 of chapter 183A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out clause (i) and inserting in place thereof the following clause:–

(i) The name and mailing address of the corporation, trust or association which has been formed and through which the unit owners will manage and regulate the condominium, together with a statement that such corporation, trust or association has enacted by-laws pursuant to this chapter. If a trust or unincorporated association is named, the master deed shall also set forth the names of the trustees or managing board.

Approved July 23, 1987.

---

**Chapter 326. AN ACT AUTHORIZING THE DEPUTY COMMISSIONER OF CAPITAL PLANNING AND OPERATIONS TO TRANSFER CERTAIN LAND IN THE CITY OF LOWELL FROM THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT 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, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to transfer a certain parcel of land in the city of Lowell, presently under the care, custody and control of the department of environmental management, to the department of public works for highway purposes in conjunction with the reconstruction of state route 113. Said transfer shall be subject to such terms and conditions as the deputy commissioner may prescribe in consultation with the department of environmental management. Said parcel is bounded and described as follows:–

**PARCEL 15–4**

Beginning at a point, said point being a concrete bound located on the westerly boundary of the 1897 state highway layout line, located approximately thirty (30) feet west of the centerline of the existing Pawtucket Boulevard;

Thence along a curve with radius 1120.96 feet a distance of one hundred three (103) feet more or less to a point;

Thence southwesterly a distance of twenty (20) feet more or less to a point;

Thence along a curve with radius two thousand fifty (2,050) feet a distance of one hundred fifty-two (152) feet more or less;

---

**ACTS, 1987. - Chap. 327.**

Thence north 15' -42' -04.0" west a distance of one hundred sixty (160) feet more or less to a point;

Thence northeasterly a distance of thirty-five (35) feet more or less to a point;

Thence southeasterly a distance of two hundred seven (207) feet more or less to the point of beginning.

Containing four thousand nine hundred eighty-one (4,981) square feet of land, more or less.

**SECTION 2.** The deputy commissioner of the division 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 grant a temporary construction easement over a certain parcel of land located in the city of Lowell, presently under the care, custody and control of the department of environmental management, to the department of public works for highway purposes, in conjunction with the reconstruction of state route 113. Said transfer shall be subject to such terms and conditions as the deputy commissioner may prescribe in consultation with the department of environmental management. Said parcel is bounded and described as follows:-

**PARCEL 15-TS-2**

Beginning at a point, said point being located fifty (50) feet west of the center line of construction of the proposed Pawtucket Boulevard;

Thence southwesterly a distance of ten (10) feet more or less to a point;

Thence along a curve with a radius of two thousand sixty (2,060) feet a distance of one hundred twenty-eight (128) feet more or less to a point;

Thence northeasterly a distance of ten (10) feet more or less to a point;

Thence along a curve with a radius of two thousand fifty (2,050) feet a distance of one hundred twenty-eight (128) feet more or less to the point of beginning.

Containing one thousand two hundred eighty (1,280) square feet of land, more or less.

**SECTION 3.** The land described in sections one and two is shown on a plan entitled "Urban System Project in the City of Lowell, Pawtucket Boulevard, Right of Way plan" prepared by Bryant Associates Incorporated, Boston, Massachusetts and dated October 8, 1986, which plan shall be kept on file with the chief engineer of the department of public works.

Approved July 23, 1987.

---

**Chapter 327. AN ACT RELATIVE TO CREDIT SERVICES ORGANIZATIONS.**

Be it enacted, etc., as follows:



Chapter 93 of the General Laws is hereby amended by inserting after section 68, as appearing in the 1986 Official Edition, the following five sections:-

Section 68A. For the purposes of sections sixty-eight B to sixty-eight D, inclusive, the following words, unless the context requires otherwise, shall have the following meanings:-

"Buyer", any individual who is solicited to purchase or who purchases the services of a credit services organization.

"Credit services organization", any person who, with respect to the extension of credit by others, sells, provides, performs, or who represents to sell, provide or perform for the payment of money or other valuable consideration any of the following services: (i) improving a buyer's credit record, history or rating; (ii) obtaining an extension of credit for a buyer; or (iii) providing advice or assistance to a buyer with respect to either clause (i) or (ii); provided, however, that such term shall not include (a) any person authorized to make loans or extensions of credit under the laws of the commonwealth or the United States, (b) a lender approved by the Secretary of Housing and Urban Development of the United States for participation in any mortgage insurance program under 12 USC 1701 et seq. (National Housing Act), (c) any bank whose deposits or accounts are eligible for insurance by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, or any subsidiary of such bank, (d) any credit union authorized to do business in the commonwealth under state or federal law, (e) any nonprofit organization exempt from taxation under Section 501 (c)(3) of the federal Internal Revenue Code, (f) any person licensed by the commonwealth as a real estate broker when acting within the scope of such license, (g) an attorney at law authorized to practice in the commonwealth when acting within the scope of such practice, (h) any broker-dealer registered with the Securities and Exchange Commission or the Commodities Futures Trading Commission of the United States when acting within the scope of such registration, or (i) any consumer reporting agency as defined in 15 USC 1681 et seq. (Fair Credit Reporting Act).

"Extension of credit", credit extended to a buyer primarily for personal, family or household purposes including the right to defer payment of debt or to incur debt and defer its payment.

Section 68B. No credit services organization, its salepersons, agents or representatives, or any independent contractor who sells or attempts to sell the services of a credit services organization shall (1) charge or receive any money or other valuable consideration prior to full, complete and satisfactory performance of the services the credit services organization has agreed to perform for the buyer, unless such organization has obtained a surety bond in an amount not less than ten thousand dollars issued by a surety company authorized to do business in the commonwealth and has established a trust account at a federally insured bank or savings and loan association located in the commonwealth; (2) charge or receive any money or other valuable consideration solely for the referral of a buyer to a retail seller who will

or may extend credit to the buyer if such extension of credit is upon substantially the same terms as those available to the general public; (3) make, or advise any buyer to make, any statement that is untrue or misleading, or that should be known by the exercise of reasonable care to be untrue or misleading, with respect to a buyer's credit worthiness, credit standing or credit rating to a credit reporting agency or to any person who has extended credit to a buyer or to whom a buyer has made application for an extension of credit; (4) make or use any untrue or misleading representations in the offer or sale of the services of a credit services organization or engage, directly or indirectly, in any act, practice or course of business intended to defraud or deceive a buyer in connection with the offer or sale of such services.

Section 68C. Before the execution of a contract or other form of agreement between a buyer and a credit services organization or before the receipt by any such organization of money or other valuable consideration, whichever occurs first, such organization shall provide the buyer with a statement, in writing, containing the following:

(1) a complete and accurate statement of the buyer's right to review any file on the buyer maintained by a consumer reporting agency, as provided under 15 USC 1681 et seq. (Fair Credit Reporting Act);

(2) a statement that the buyer may review his consumer reporting agency file at no charge if a request therefor is made to such agency within thirty days after receipt by the buyer of notice that credit has been denied;

(3) if such request is not made within the allotted time, the approximate charge to the buyer for such review;

(4) a complete and accurate statement of the buyer's right to dispute the completeness or accuracy of any item contained in any file on the buyer maintained by a consumer reporting agency;

(5) a complete and detailed description of the services to be performed by the credit services organization and the total cost to the buyer for such services;

(6) a statement asserting the buyer's right to proceed against the surety bond or trust account required under section sixty-eight B; and

(7) the name and business address of any such surety company and of the depository of the trust account, together with the name of the trustee and the number of the account.

Section 68D. Each contract or other form of agreement between a buyer and a credit services organization for the purchase of the services of such organization shall be in writing, dated, signed by the parties, and include the following:

(a) a conspicuous statement in a minimum size of ten point bold face type, in immediate proximity to the space reserved for the buyer's signature, which reads: You, the buyer, have the right to cancel this contract or agreement at any time prior to midnight of the third business day following the date thereon.

(b) a form, in duplicate and captioned "NOTICE OF CANCELLATION", attached to the contract or agreement and containing, in a minimum size of ten point bold face type, the following:

---

ACTS, 1987. - Chap. 328.

NOTICE OF CANCELLATION.

You have the right to cancel this contract, or agreement, without any penalty or obligation until midnight of the third business day following the date on which such contract or agreement was signed.

If you cancel, any payment made by you will be returned within ten days following receipt of your cancellation notice.

To cancel this contract or agreement, mail or deliver a signed and dated copy of this notice of cancellation, or other similar written notice to

(credit services organization)	at	(business address)
(date)		(buyer's signature)

---

(c) the terms and conditions of payment, including the total of all payments to be made by the buyer, whether to the credit services organization or to some other person;

(d) a full and detailed description of the services to be performed by the credit services organization for the buyer, including all guarantees and all promises of full or partial refunds, and the estimated date by which the services to be performed will be completed or the estimated length of time for the completion of such performance; and

(e) the principal business address of the credit services organization and the name and address of its agent in the commonwealth authorized to accept service of process.

The credit services organization shall maintain on file for a period of two years an exact copy of such statement, personally signed by the buyer acknowledging receipt of a copy of the same.

The credit services organization shall provide the buyer with a copy of the total contract or agreement, together with copies of all other documents which the credit services organization requires the buyer to sign at the time they are signed.

Section 68E. Any violation of sections sixty-eight B to sixty-eight D, inclusive, shall constitute a violation of chapter ninety-three A.

Approved July 23, 1987.

---

**Chapter 328. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN PARCEL OF LAND IN THE TOWN OF NATICK UNDER THE CONTROL OF THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO MICHAEL G. CUNNIFF AND ELEANOR F. CUNNIFF.**

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 town of Natick, to Michael G. Cunniff and Eleanor F. Cunniff subject to the requirements of sections two and three and to such additional terms and conditions as the deputy commissioner may prescribe, in consultation with the department of environmental management. Said parcel of land is bounded and described as follows:

Beginning at a point located North 59° 08' 00" West forty-five and 74/100 (45.74) from a stake with a tack, thence running:

South 73° 59' 05" West twenty-four and 24/100 (24.24) feet along land now of the Commonwealth of Massachusetts thence running:

North 15° 12' 07" West twenty-five and 51/100 (25.51) feet along land now of the Commonwealth of Massachusetts; thence running

South 59° 08' 00" East thirty-four and 94/100 (34.94) feet along land now of Michael G. Cunniff et ux, to the point of beginning.

Containing 309 square feet, more or less, and being shown as Lot 2 on a plan of land entitled "Plan of Land in Natick, Mass., prepared for Michael G. and Eleanor F. Cunniff, Scale: 1" = 20', Date: October 15, 1986, by Schofield Brothers Inc., Professional Engineers & Professional Land Surveyors, 1071 Worcester Road, Framingham, Mass. 01701".

**SECTION 2.** In consideration for the conveyance provided for in section one, Michael G. Cunniff and Eleanor F. Cunniff shall either pay fair market value for the parcel or convey in fee simple to the commonwealth, through its department of environmental management, a parcel of land abutting the commonwealth's existing land holdings in the town of Natick, which parcel of land shall be of equivalent fair market value as the parcel conveyed to said Cunniffs. Fair market value of the parcel of land to be conveyed by or to the commonwealth shall be determined by an independent appraisal prepared for the department of environmental management, by an appraiser approved by the department of environmental management, and at the sole cost and expense of said Cunniffs.

**SECTION 3.** As a further consideration, and as a requirement prior to said conveyance and authorized by section one, said Michael G. Cunniff and Eleanor F. Cunniff, their heirs, or successors or assigns, whichever the case may be, shall have signed an agreement relinquishing any and all right of they or their heirs, successors, or assigns may be or may have been entitled to for compensation, including any interest accrued thereon, either from the commonwealth or from the town of Natick for reimbursement for any or all back taxes which said Michael G. Cunniff and Eleanor F. Cunniff or their heirs, successors, or assigns in title have paid, if any, from time to time on said aforementioned parcels and shown on said plan on file with the department of environmental management.

Approved July 23, 1987.

**Chapter 329. AN ACT INCREASING LOCAL CONTROL OVER THE ANNUAL SCHOOL BUDGET.**

Be it enacted, etc., as follows:

**SECTION 1.** The third paragraph of section 32 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 two sentences:- The city council may by majority vote make appropriations for the purposes recommended and may reduce or reject any amount recommended in the annual budget. It shall not increase any amount in or the total of the annual budget nor add thereto any amount for a purpose not included therein except on recommendation of the mayor, and except as provided in section thirty-three; provided, however, that in the case of the school budget or in the case of a regional school district assessment, the city council, on the recommendation of the school committee or on recommendation of a regional district school committee, may by a two-thirds vote increase the total amount appropriated for the support of the schools or for the regional district schools over that requested by the mayor; and provided, further, that no such increase shall be voted if it would render the total annual budget in excess of the property tax limitations set forth in section twenty-one C of chapter fifty-nine.

**SECTION 2.** The provisions of this act shall take effect in any city on the first day of the calendar month following its acceptance in the following manner: in a city having a Plan D or Plan E form of government by a majority vote of the city council approved by the city manager; in any other city, by a vote of its city council, approved by the mayor.

Approved July 23, 1987.

---

**Chapter 330. AN ACT RELEASING A CERTAIN RESTRICTION ON LAND LOCATED IN THE TOWN OF PLYMOUTH.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of section thirty-two of chapter one hundred and eighty-four of the General Laws or any other general or special law to the contrary, the commissioner of food and agriculture is hereby authorized to release a portion of the agricultural preservation restriction now held by the commonwealth on land now owned by Paul J. and Margaret Whipple of the town of Plymouth, containing approximately 6,375 square feet and bounded and described as follows:-

Starting at the Northwesterly corner thence by land of Margaret Whipple S 70° 45' 05" East 255 feet, more or less;

---

**ACTS, 1987. - Chap. 331.**

thence by land of Paul J. Whipple S 19° 14' 55" West 25 feet;  
thence by land of Paul J. Whipple N 70° 45' 05" West 255 feet, more or less;  
thence by land of Paul J. Whipple N 19° 14' 55" East 25 feet to the point of beginning.

**SECTION 2.** As consideration for the removal of the agricultural restriction held by the commonwealth pursuant to section one, Paul J. Whipple and Margaret Whipple shall convey an agricultural preservation restriction to the commonwealth, containing approximately 15,810 square feet, in such form as the attorney general shall prescribe in the following premises:-

Starting at a point being the Northwesterly corner of Parcel A on the Southerly side of Doten Road;  
thence N 76° 52' 50" East by said road 60.38 feet;  
thence S 19° 14' 55" West 325.38 feet by other land of Paul J. Whipple;  
thence N 70° 45' 05" West 51 feet, more or less, again by land of Paul J. Whipple;  
thence N 19° 14' 55" East 285 feet, more or less, to the point of beginning.

Approved July 23, 1987.

---

**Chapter 331. AN ACT RELATIVE TO THE MANDATORY STERILIZATION OF SHELTER ANIMALS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 136A of chapter 140 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following definition:-

"Shelter", a public animal control facility, or any other facility which is operated by any organization or individual for the purpose of protecting animals from cruelty, neglect, or abuse.

**SECTION 2.** Said chapter 140 is hereby amended by inserting after section 139, as so appearing, the following section:-

Section 139A. No shelter shall sell or give away any dog or cat that has not been spayed or neutered, unless a deposit of not less than ten nor more than thirty dollars for spaying or neutering such dog or cat has been tendered to the shelter. The shelter may make appropriate arrangements for the spaying or neutering of such dog or cat by a licensed veterinarian, or may return the deposit to the person purchasing or receiving the dog or cat upon presentation of a written statement or receipt from a veterinarian or clinic that the dog or cat has been spayed or neutered by a licensed veterinarian.

Any dog or cat six months of age or older at the time it is sold or given away by the shelter shall be so spayed or neutered within sixty

days, or the deposit shall be deemed unclaimed. Any dog or cat under six months of age at the time it is sold or given away by the shelter shall be so spayed or neutered within sixty days after reaching six months of age, or the deposit shall be deemed unclaimed.

Any deposit not claimed under this section shall be used only for the following purposes:

- (1) a public education program to prevent overpopulation of dogs or cats;
- (2) a program to spay or neuter dogs or cats;
- (3) a follow up program to assure that animals sold or given away by the shelter are spayed or neutered; or
- (4) costs incurred under this section.

A shelter may enter into a cooperative agreement with another shelter and with a veterinarian in carrying out the provisions of this section.

**SECTION 3.** This act shall take effect July first, nineteen hundred and eighty-eight.

Approved July 23, 1987.

---

**Chapter 332. AN ACT EXEMPTING NURSING HOMES FROM CERTAIN REPORTING AND SUSPENSION REQUIREMENTS AND RISK MANAGEMENT PROGRAMS.**

Be it enacted, etc., as follows:

Chapter 111 of the General Laws is hereby amended by striking out section 203, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:—

Section 203. (a) The by-laws of every licensed hospital 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 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, including no licensed hospital or licensed nursing home reporting, providing information, opinion, counsel or services to a medical peer review committee, or participation 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

---

ACTS, 1987. - Chap. 333.

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 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; provided, however, that licensed hospitals which participate in pre-existing risk management programs may be exempted by regulations of the board from the requirements of this paragraph.

(e) Every licensed nursing home shall: (i) request from every physician providing medical care in the nursing home said physician's name and license number; (ii) upon initial appointment of its medical director or physician advisor and biennially thereafter, inquire from a hospital where the physician has staff privileges and spends the greatest portion of his time, the status of said physician's staff privileges, or if the physician has no such staff privileges, make such reasonable inquiry, as the board of registration in medicine by regulation may require, into the physician's employment history and malpractice claims experience; (iii) report to said board any disciplinary action which the nursing home takes against any physician providing medical care in the nursing home; the nursing home shall report to the board any disciplinary action within thirty days of the occurrence of the reportable action; the report shall include a statement detailing the nature and circumstances of the action, its date, and the reasons for it; the nursing home shall file an annual disciplinary summary with the board; 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 nursing home submitted no reports for the previous calendar year, then the annual disciplinary summary shall state that no reports were required; and (iv) simultaneously send to said board a copy of any report sent to the department of public health pursuant to the provisions of sections seventy-one and seventy-two, whenever any such report indicates incompetency of a physician or other conduct by a physician that seriously affects a nursing home patient's health and safety. The types of incidents reported under this section, shall be jointly determined by the department of public health and the board of registration in medicine and may be set forth in regulations promulgated by the board.

Approved July 23, 1987.

EMERGENCY LETTER: July 23, 1987 @ 4:42 P.M.

---

**Chapter 333. AN ACT PROVIDING TENURE TO AGE SIXTY-FIVE TO RICHARD H. MELLONI, FIRST ASSISTANT ENGINEER OF THE WAREHAM FIRE DISTRICT.**



---

**ACTS, 1987. – Chaps. 334, 335, 336.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of section sixty-five of chapter forty-eight of the General Laws or any other general or special law to the contrary, Richard H. Melloni, first assistant engineer of the Wareham Fire District shall serve in such position until he reaches age sixty-five; provided, however, that he may be removed for just cause, which shall be determined at a hearing before the prudential committee.

Approved July 23, 1987.

---

**Chapter 334. AN ACT AUTHORIZING THE TOWN OF MEDFIELD TO APPROPRIATE AND PAY A CERTAIN SUM OF MONEY TO HENRY MARCEL.**

Be it enacted, etc., as follows:

The town of Medfield is hereby authorized to appropriate and after such appropriation, the treasurer of said town is hereby authorized to pay the sum of six thousand and sixty-nine dollars to Henry Marcel as compensation for loss of wages resulting from injuries received in the performance of his duties as a call firefighter for said town.

Approved July 23, 1987.

---

**Chapter 335. AN ACT EXEMPTING THE POSITION OF POLICE CHIEF IN THE TOWN OF MEDFIELD FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.**

Be it enacted, etc., as follows:

**SECTION 1.** The position of police chief in the town of Medfield 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 office of police chief in the town of Medfield on the effective date of this act.

Approved July 23, 1987.

---

**Chapter 336. AN ACT RELATIVE TO THE SELECTMEN-TOWN MANAGER FORM OF GOVERNMENT OF THE TOWN OF TEWKSBURY.**

Be it enacted, etc., as follows:

---

**ACTS, 1987. – Chap. 337.**

**SECTION 1.** Section 2 of chapter 275 of the acts of 1986 is hereby amended by inserting after the word "counsel", in line 2, the following words:- except as otherwise provided by town by-law.

**SECTION 2.** Section 5A of said chapter 275 is hereby amended by striking out the fourth sentence and inserting in place thereof the following two sentences:- He shall possess as least a bachelors degree and five years experience as a city manager, assistant city manager, town manager, assistant town manager, or comparable position in government. A masters degree may be substituted for two years experience.

**SECTION 3.** Said section 5A of said chapter 275 is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- Any person holding elective office in the town of Tewksbury shall be ineligible for appointment as town manager for a period of five years after leaving office.

**SECTION 4.** Said chapter 275 is hereby further amended by striking out section 9 and inserting in place thereof the following section:-

**Section 9.** The selectmen shall fix the salary of the town manager subject to appropriation.

**SECTION 5.** Section 10 of said chapter 275 is hereby amended by striking out paragraph (e) and inserting in place thereof the following paragraph:-

(e) The town manager shall attend all regular meetings of the board of selectmen except when excused by said board.

**SECTION 6.** Section 16 of said chapter 275 is hereby amended by striking out, in line 1, the words:- "at least ninety days prior to the annual town meeting" and inserting in place thereof the words:- at the time provided by town by-law.

**SECTION 7.** Said section 16 of said chapter 275 is hereby further amended by striking out, in lines 17 and 18, the words:- "least one hundred and twenty days prior to the annual town meeting" and inserting in place thereof the words:- the time provided by town by-law.

**SECTION 8.** Section 17 of said chapter 275 is hereby amended by striking out, in lines 3 and 4, the words "On or before the seventy-fifth day prior to the annual town meeting" and inserting in place thereof the words:- At the time provided by town by-law.

Approved July 23, 1987.

---

**Chapter 337. AN ACT AUTHORIZING THE PEABODY POLICE RELIEF ASSOCIATION TO PAY CERTAIN SUMS OF**

**MONEY TO MEMBERS UPON THE DEATH OF THEIR SPOUSES.**

Be it enacted, etc., as follows:

The Peabody Police Relief Association, a corporation duly established under the laws of the commonwealth, is hereby authorized to pay to a member in good standing of said corporation, upon the death of his spouse, one-half the current death benefit. Any amount so paid shall reduce the death benefit otherwise payable upon the death of any such member.

Approved July 23, 1987.

---

**Chapter 338. AN ACT RELATIVE TO FORECLOSURE OF CERTAIN LIENS.**

Be it enacted, etc., as follows:

**SECTION 1.** Paragraph (c) of section 6 of chapter 183A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "five", in line 9, the following words:- and five A.

**SECTION 1A.** Said paragraph (c) of said section 6 of said chapter 183A, as so appearing, is hereby further amended by striking out, in lines 11 to 13, inclusive the words "as to such portion of said common expenses as become due within six months prior to the commencement of an action to enforce such lien pursuant to said section five.

**SECTION 2.** Section 5 of chapter 254 of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- A lien upon land for the erection, alteration, repair or removal of a building or other structure or a lien established under section seventy-six of chapter sixty-three, or under section six of chapter one hundred and eighty-three A shall be enforced by a civil action brought in the superior court for the county where the land lies or in the district court in the judicial district where the land lies.

**SECTION 3.** Said chapter 254 is hereby amended by inserting after said section 5, as so appearing, the following section:-

Section 5A. When the amount of a lien under section six of chapter one hundred and eighty-three A has been established by a court, the court shall enter an order authorizing the sale of the real estate to satisfy such lien. The lienor may do all acts authorized by such order, but no sale pursuant to such order shall be effectual unless, previous to such sale, notice thereof has been published once in each of three

---

ACTS, 1987. - Chap. 338.

successive weeks, the first publication to appear not less than twenty-one days before the date of such sale, in a newspaper published in the town where the land lies or, if no newspaper is published in such town, in a newspaper published in the county where the land lies, and this provision shall be implied in every court order for sale hereunder in which it is not expressly set forth. A newspaper which by its title page purports to be printed or published in such town, city or county, and having a circulation therein, shall be sufficient for the purpose.

Such form shall be printed in substantially the following form:

SALE OF REAL ESTATE  
UNDER GLM 183A:6

By virtue of a Judgment and Order of the \_\_\_\_\_ Court (docket no. \_\_\_\_\_) in favor of \_\_\_\_\_ against \_\_\_\_\_ establishing a lien pursuant to GLM 183A:6 on the real estate known as Unit \_\_\_\_\_ of the \_\_\_\_\_ Condominium for the purpose of satisfying such lien, the real estate will be sold at Public Auction at \_\_\_\_\_ o'clock \_\_\_\_\_ M. on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 19\_\_ at \_\_\_\_\_. The premises to be sold are more particularly described as follows:

Description: (Describe premises exactly as in the deed, including all references to title, restrictions, encumbrances, etc.)

Terms of sale: (State the amount, if any, to be paid in cash by the purchaser at the time and place of the sale, and the time or times for payment of the balance or the whole as the case may be.)

Other terms to be announced at the sale.

(Signed) \_\_\_\_\_

\_\_\_\_\_  
Lien Holder

\_\_\_\_\_  
19

Such notice of sale in the above form, published in accordance with the provisions of this section, herewith together with such other or further notice, if any, required by the court, shall be deemed a sufficient notice of the sale and the premises shall be deemed to have been sold, and the deed thereunder shall convey the premises, subject to, and with the benefit of, all restrictions, easements, improvements, outstanding tax titles, municipal or other public taxes, assessments, liens or claims in the nature of liens, and existing encumbrances of record created prior to the filing of the complaint, whether or not reference to such restrictions, easements, improvements, liens or encumbrances is made in the deed; but no purchaser at such sale shall be bound to complete the purchase if there are encumbrances, other than those included in the notice of sale, which are not stated at the sale and included in the auctioneer's contract with the purchaser.

The person or entity selling, or their attorney, may cause a copy of the notice and an affidavit, stating that the requirements of the court order and of this section have been complied with, to be recorded in the registry of deeds or land registration office for the county or district where the land lies, with a note of reference thereto on the margin of

---

**ACTS, 1987. - Chaps. 339, 340.**

the record of the complaint previously recorded, and such affidavit or a certified copy of the record thereof shall be admitted as evidence that the sale was duly executed.

Approved July 23, 1987.

---

**Chapter 339. AN ACT EXTENDING THE EXPIRATION DATE OF RELIEF FUNDS PROVIDED FOR THE FLOODS OF NINETEEN HUNDRED AND EIGHTY-FOUR.**

Be it enacted, etc., as follows:

**SECTION 1.** Item 1599-0103 of section 2 of chapter 188 of the acts of 1984, as amended by section 3 of chapter 54 of the acts of 1985, is hereby further amended by striking out, in line 18, the words "nineteen hundred and eighty-seven" and inserting in place thereof the following words:- nineteen hundred and ninety.

**SECTION 2.** This act shall take effect as of June thirtieth, nineteen hundred and eighty-seven.

Approved July 23, 1987.

---

**Chapter 340. AN ACT RELATIVE TO ADVERTISING FOR CHILD CARE.**

Be it enacted, etc., as follows:

Chapter 28A of the General Laws is hereby amended by striking out section 14, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 14. No person shall cause to be published in a newspaper distributed anywhere in the commonwealth or to be broadcast on a radio or television station in the commonwealth an advertisement or notice for the placement or reception of a child under sixteen years of age for family foster care, family day care, day care center care, school age child care program, group residential care, or temporary shelter care or adoption unless such advertisement is placed by a licensed or approved placement agency, by a licensed family day care home, family day care system, day care center, school age child care program, group care facility or temporary shelter facility, or with the written approval of the office. Such advertisement or notice shall include the license or registration number issued to the provider or agency pursuant to section ten.

Approved July 23, 1987.

**Chapter 341. AN ACT DIVIDING THE COMMONWEALTH INTO ONE HUNDRED AND SIXTY STATE REPRESENTATIVE DISTRICTS.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 57 of the General Laws is hereby amended by striking out section 4, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 4. For the purpose of choosing representatives in the general court until the next decennial division of the commonwealth into representative districts, the commonwealth is divided, conformably with Article CI of the Articles of Amendment of the Constitution, into the one hundred and sixty following representative districts:-

Barnstable and Islands

First Barnstable. -- Consisting of the towns of Brewster, Dennis and Yarmouth, all in the county of Barnstable.

Second Barnstable. -- Consisting of the town of Barnstable, in the county of Barnstable; and the town of Nantucket, in the county of Nantucket.

Third Barnstable. -- Consisting of the towns of Bourne, Mashpee and Sandwich, all in the county of Barnstable.

Fourth Barnstable. -- Consisting of the towns of Chatham, Eastham, Harwich, Orleans, Provincetown, Truro and Wellfleet, all in the county of Barnstable. Fifth Barnstable. -- Consisting of the town of Falmouth, in the county of Barnstable; and the towns of Chilmark, Edgartown, Gay Head, Gosnold, Oak Bluffs, Tisbury and West Tisbury, all in the county of Dukes County.

Berkshire

First Berkshire. -- Consisting of the towns of Adams, Cheshire, Clarksburg, Florida, Peru, Savoy and Windsor, and the city of North Adams, all in the county of Berkshire.

Second Berkshire. -- Consisting of the towns of Dalton, Hancock, Lanesborough, New Ashford and Williamstown, and all precincts of wards one and two and precinct C of ward seven, of the city of Pittsfield, all in the county of Berkshire.

Third Berkshire. -- Consisting of all precincts of wards three, four, five, and six and precincts A and B of ward seven, of the city of Pittsfield, in the county of Berkshire.

Fourth Berkshire. -- Consisting of the towns of Alford, Becket, Egremont, Great Barrington, Hinsdale, Lee, Lenox, Monterey, Mount Washington, New Marlborough, Otis, Richmond, Sandisfield, Sheffield, Stockbridge, Tyringham, Washington and West Stockbridge, all in the county of Berkshire.

Bristol

First Bristol. -- Consisting of the towns of Easton and Mansfield, both in the county of Bristol; and precincts one and two, of the town of Foxborough, in the county of Norfolk.

Second Bristol. -- Consisting of the city of Attleboro, in the county of Bristol.

Third Bristol. -- Consisting of all precincts of ward one, precinct B of ward two, precinct A of ward three, and all precincts of wards four, five, six, seven and eight, of the city of Taunton, in the county of Bristol.

Fourth Bristol. -- Consisting of the towns of Norton, Rehoboth and Seekonk, all in the county of Bristol.

Fifth Bristol. -- Consisting of the towns of Dighton, Somerset and Swansea, all in the county of Bristol.

Sixth Bristol. -- Consisting of precinct C of ward four and all precincts of wards seven, eight and nine, of the city of Fall River, in the county of Bristol.

Seventh Bristol. -- Consisting of all precincts of wards one, two and three and precincts A and B of ward four, of the city of Fall River, in the county of Bristol.

Eighth Bristol. -- Consisting of all precincts of wards five and six, of the city of Fall River, and the town of Westport, all in the county of Bristol.

Ninth Bristol. -- Consisting of the towns of Berkley, Dartmouth and Freetown, all in the county of Bristol.

Tenth Bristol. -- Consisting of the town of Fairhaven, in the county of Bristol; and the towns of Lakeville, Marion, Mattapoisett and Rochester, all in the county of Plymouth.

Eleventh Bristol. -- Consisting of the town of Acushnet and all precincts of ward one and precincts C, D, E and G of ward two, of the city of New Bedford, all in the county of Bristol.

Twelfth Bristol. -- Consisting of precincts A, B, and F of ward two, all precincts of ward three, precincts C, E, F and G of ward four, and precinct G of ward five, of the city of New Bedford, in the county of Bristol.

Thirteenth Bristol. -- Consisting of precincts A, B and D of ward four, precincts A, B, C, D, E and F of ward five, and all precincts of ward six, of the city of New Bedford, in the county of Bristol.

Fourteenth Bristol. -- Consisting of precincts three, four and five, of the town of Foxborough, and the town of Plainville, all in the county of Norfolk; and the town of North Attleborough, in the county of Bristol.

Essex

First Essex. -- Consisting of the towns of Amesbury and Salisbury, and the city of Newburyport, all in the county of Essex.

Second Essex. -- Consisting of ward three of the city of Haverhill, and the towns of Georgetown, Groveland, Merrimac, Newbury, Rowley and West Newbury, all in the county of Essex.

Third Essex. -- Consisting of all precincts of wards one, two and four, of the city of Haverhill, in the county of Essex.

Fourth Essex. -- Consisting of the towns of Boxford, Essex, Hamilton, Ipswich, Topsfield and Wenham, all in the county of Essex.

Fifth Essex. -- Consisting of the city of Gloucester, and the towns of Manchester and Rockport, all in the county of Essex.

Sixth Essex. -- Consisting of the city of Beverly, in the county of Essex.

Seventh Essex. -- Consisting of the city of Salem, in the county of Essex.

Eighth Essex. -- Consisting of the towns of Marblehead and Swampscott, all in the county of Essex.

Ninth Essex. -- Consisting of precincts one, two and three of ward one, of the city of Lynn, and the town of Saugus, all in the county of Essex.

Tenth Essex. -- Consisting of precinct four of ward one, and all precincts of wards two, three and four, of the city of Lynn, in the county of Essex.

Eleventh Essex. -- Consisting of all precincts of wards five, six and seven, of the city of Lynn, and the town of Nahant, all in the county of Essex.

Twelfth Essex. -- Consisting of all precincts in wards one, two, three, four and five, of the city of Peabody, in the county of Essex.

Thirteenth Essex. -- Consisting of the towns of Danvers and Middleton and all precincts in ward six, of the city of Peabody, all in the county of Essex.

Fourteenth Essex. -- Consisting of precincts two, four and five of ward E and all precincts of ward F, of the city of Lawrence, and the town of North Andover, all in the county of Essex.

Fifteenth Essex. -- Consisting of the town of Methuen, in the county of Essex.

Sixteenth Essex. -- Consisting of all precincts of wards A, B and C and precincts two, three, four and five of ward D, of the city of Lawrence, in the county of Essex.

Seventeenth Essex. -- Consisting of the town of Andover, and precinct one of ward D and precincts one and three of ward E, of the city of Lawrence, all in the county of Essex.

### Franklin

First Franklin. -- Consisting of the towns of Ashfield, Buckland, Charlemont, Colrain, Conway, Deerfield, Hawley, Heath, Monroe, Montague, Rowe, Shelburne, Sunderland and Whately, all in the county of Franklin; and the towns of Chesterfield, Cummington, Goshen, Huntington, Middlefield, Plainfield, Williamsburg and Worthington, all in the county of Hampshire.

Second Franklin. -- Consisting of the towns of Bernardston, Erving, Gill, Greenfield, Leverett, Leyden, New Salem, Northfield, Orange, Shutesbury, Warwick and Wendell, all in the county of Franklin.



Hampden

First Hampden. -- Consisting of the towns of Brimfield, Holland, Palmer and Wales, all in the county of Hampden; the towns of Belchertown and Ware, both in the county of Hampshire; and the town of Hardwick, in the county of Worcester.

Second Hampden. -- Consisting of the towns of East Longmeadow, Hampden and Longmeadow, all in the county of Hampden.

Third Hampden. -- Consisting of the towns of Agawam, Blandford, Chester, Granville, Montgomery, Russell, Southwick and Tolland, all in the county of Hampden.

Fourth Hampden. -- Consisting of the city of Westfield, in the county of Hampden.

Fifth Hampden. -- Consisting of precinct B of ward one, and all precincts of wards three, four, five, six and seven, of the city of Holyoke, in the county of Hampden.

Sixth Hampden. -- Consisting of precinct A of ward one, and all precincts of ward two, of the city of Holyoke, and the town of West Springfield, all in the county of Hampden.

Seventh Hampden. -- Consisting of the town of Ludlow, precincts B and C of ward four, and all precincts of wards five and six, of the city of Chicopee, all in the county of Hampden; and the town of Granby, in the county of Hampshire.

Eighth Hampden. -- Consisting of all precincts of wards one, two and three, precinct A of ward four, and all precincts of wards seven, eight and nine, of the city of Chicopee, in the county of Hampden.

Ninth Hampden. -- Consisting of precincts A, B, C, D, E and F of ward one, and all precincts of ward two, of the city of Springfield, in the county of Hampden.

Tenth Hampden. -- Consisting of precincts G and H of ward one, precincts A, B, D and E of ward three, precincts A, B, C, D, E, F and G of ward six, and precincts A and B of ward seven of the city of Springfield, in the county of Hampden.

Eleventh Hampden. -- Consisting of precincts B, C, D, E, F and G of ward five, and all precincts of ward eight, of the city of Springfield, in the county of Hampden.

Twelfth Hampden. -- Consisting of precincts C, F, G and H of ward three, all precincts of ward four, precincts A and H of ward five, of the city of Springfield, in the county of Hampden.

Thirteenth Hampden. -- Consisting of precinct H of ward six and precincts C, D, E, F, G and H of ward seven, of the city of Springfield, and the towns of Monson and Wilbraham, all in the county of Hampden.

Hampshire

First Hampshire. -- Consisting of the towns of Hatfield, Southampton and Westhampton, and the city of Northampton, all in the county of Hampshire.

Second Hampshire. -- Consisting of the towns of Easthampton, Hadley and South Hadley, all in the county of Hampshire.

Third Hampshire. -- Consisting of the towns of Amherst and Pelham, both in the county of Hampshire.

Middlesex

First Middlesex. -- Consisting of the towns of Ashby, Ayer, Dunstable, Groton, Pepperell and Townsend, all in the county of Middlesex.

Second Middlesex. -- Consisting of the towns of Littleton, Shirley and Westford, all in the county of Middlesex; and the town of Harvard, in the county of Worcester.

Third Middlesex. -- Consisting of the towns of Boxborough, Hudson and Stow, all in the county of Middlesex; and the towns of Bolton and Lancaster, both in the county of Worcester.

Fourth Middlesex. -- Consisting of the city of Marlborough, in the county of Middlesex; and the town of Berlin, in the county of Worcester.

Fifth Middlesex. -- Consisting of the towns of Natick and Sherborn, both in the county of Middlesex.

Sixth Middlesex. -- Consisting of precincts one, two, three, four, five, six, seven, eight, nine and ten, of the town of Framingham, in the county of Middlesex.

Seventh Middlesex. -- Consisting of the town of Ashland, and precincts eleven, twelve, thirteen, fourteen, fifteen, sixteen and seventeen, of the town of Framingham, all in the county of Middlesex.

Eighth Middlesex. -- Consisting of the town of Holliston, in the county of Middlesex; and the towns of Medfield, Medway and Millis, all in the county of Norfolk.

Ninth Middlesex. -- Consisting of all precincts of wards one, two, three and four, precinct one of ward six, and all precincts of ward seven, of the city of Waltham, in the county of Middlesex.

Tenth Middlesex. -- Consisting of precincts one and four of ward one, precinct one of ward two, and precincts one, three and four of ward three, of the city of Newton, and all precincts of ward five, precinct two of ward six, and all precincts of wards eight and nine, of the city of Waltham, all in the county of Middlesex.

Eleventh Middlesex. -- Consisting of precincts two and three of ward one, precinct two of ward two, precincts one and four of ward six, all precincts of ward seven, and precincts one, two and four of ward eight, of the city of Newton, in the county of Middlesex.

Twelfth Middlesex. -- Consisting of precinct three of ward two, precinct two of ward three, all precincts of wards four and five, precincts two and three of ward six, and precinct three of ward eight, of the city of Newton, in the county of Middlesex.

Thirteenth Middlesex. -- Consisting of the towns of Maynard, Sudbury and Wayland, all in the county of Middlesex.

Fourteenth Middlesex. -- Consisting of the towns of Acton, Carlisle and Concord, all in the county of Middlesex.

Fifteenth Middlesex. -- Consisting of the towns of Lexington and Lincoln, both in the county of Middlesex.

Sixteenth Middlesex. -- Consisting of the towns of Chelmsford and Tyngsborough, both in the county of Middlesex.

Seventeenth Middlesex. -- Consisting of the town of Dracut, and precinct one of ward one, precincts two and three of ward five, and all precincts of ward nine, of the city of Lowell, in the county of Middlesex.

Eighteenth Middlesex. -- Consisting of precincts two and three of ward one, all precincts of ward two, precincts two and three of ward four, and all precincts of wards ten and eleven, of the city of Lowell, in the county of Middlesex.

Nineteenth Middlesex. -- Consisting of all precincts of ward three, precinct one of ward four, precinct one of ward five, and all precincts of wards six, seven and eight, of the city of Lowell, in the county of Middlesex.

Twentieth Middlesex. -- Consisting of the town of Tewksbury, and precincts one, two, four, five and six, of the town of Wilmington, all in the county of Middlesex.

Twenty-first Middlesex. -- Consisting of the towns of North Reading and Reading, and precinct three of the town of Wilmington, all in the county of Middlesex.

Twenty-second Middlesex. -- Consisting of the town of Lynnfield, in the county of Essex; and the town of Wakefield, in the county of Middlesex.

Twenty-third Middlesex. -- Consisting of the towns of Bedford and Burlington, both in the county of Middlesex.

Twenty-fourth Middlesex. -- Consisting of the town of Billerica, in the county of Middlesex.

Twenty-fifth Middlesex. -- Consisting of precincts five, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty and twenty-one, of the town of Arlington, in the county of Middlesex.

Twenty-sixth Middlesex. -- Consisting of precincts one, two, three, four and six, of the town of Arlington, and the town of Belmont, all in the county of Middlesex.

Twenty-seventh Middlesex. -- Consisting of precincts three and four of ward seven, and all precincts of wards eight, nine, ten and eleven, of the city of Cambridge, in the county of Middlesex.

Twenty-eighth Middlesex. -- Consisting of precincts two, three and four of ward two, precinct four of ward three, all precincts of wards four, five and six, and precincts one and two of ward seven, of the city of Cambridge, in the county of Middlesex.

Twenty-ninth Middlesex. -- Consisting of all precincts of ward one, precinct one of ward two, and precincts one, two and three of ward three, of the city of Cambridge, and precincts one, two and three of ward one, precincts one and two of ward two, and precinct three of ward four, of the city of Somerville, all in the county of Middlesex.

Thirtieth Middlesex. -- Consisting of precinct three of ward two, all precincts of ward three, precincts one and two of ward four, all

precincts of ward five, and precincts two and three of ward six, of the city of Somerville, in the county of Middlesex.

Thirty-first Middlesex. -- Consisting of the city of Everett, in the county of Middlesex.

Thirty-second Middlesex. -- Consisting of the town of Watertown, in the county of Middlesex.

Thirty-third Middlesex. -- Consisting of the city of Woburn, in the county of Middlesex.

Thirty-fourth Middlesex. -- Consisting of precincts two, three, four and six, of the town of Stoneham, and the town of Winchester, all in the county of Middlesex.

Thirty-fifth Middlesex. -- Consisting of the city of Melrose, and precincts one and five, of the town of Stoneham, all in the county of Middlesex.

Thirty-sixth Middlesex. -- Consisting of all precincts of wards one, two, three, four, five and six, of the city of Malden, in the county of Middlesex.

Thirty-seventh Middlesex. -- Consisting of precincts two, three and four of ward three, all precincts of wards five and six, of the city of Medford, precinct one of ward six, and all precincts of ward seven, of the city of Somerville, all in the county of Middlesex.

Thirty-eighth Middlesex. -- Consisting of all precincts of wards one and two, precinct one of ward three, and all precincts of wards four and seven, of the city of Medford, in the county of Middlesex.

### Norfolk

First Norfolk. -- Consisting of precincts three and four of ward three, precincts one, three and four of ward four, precinct five of ward five and all precincts of ward six, of the city of Quincy, in the county of Norfolk.

Second Norfolk. -- Consisting of all precincts of ward one, precincts two and five of ward three, precinct two of ward four, and precincts one, two, three and four of ward five, of the city of Quincy, in the county of Norfolk.

Third Norfolk. -- Consisting of all precincts of ward two, precinct one of ward three, and precinct five of ward four, of the city of Quincy, and precincts five, six, nine, twelve and sixteen, of the town of Weymouth, all in the county of Norfolk.

Fourth Norfolk. -- Consisting of precincts one, two, three, four, seven, eight, ten, eleven, thirteen, fourteen, fifteen, seventeen and eighteen, of the town of Weymouth, in the county of Norfolk.

Fifth Norfolk. -- Consisting of the town of Braintree, in the county of Norfolk.

Sixth Norfolk. -- Consisting of the town of Canton, and precincts one, two, three, four and five, of the town of Randolph, all in the county of Norfolk.

Seventh Norfolk. -- Consisting of the town of Milton, and precincts six, seven and eight, of the town of Randolph, all in the county of Norfolk.

---

ACTS, 1987. - Chap. 341.

Eighth Norfolk. -- Consisting of the towns of Sharon and Stoughton, both in the county of Norfolk.

Ninth Norfolk. -- Consisting of the towns of Norfolk, Walpole and Wrentham, all in the county of Norfolk.

Tenth Norfolk. -- Consisting of the towns of Bellingham and Franklin, both in the county of Norfolk; and the town of Blackstone, in the county of Worcester.

Eleventh Norfolk. -- Consisting of the town of Dedham and precincts one, two and three, of the town of Westwood, all in the county of Norfolk.

Twelfth Norfolk. -- Consisting of the town of Norwood, and precinct four, of the town of Westwood, all in the county of Norfolk.

Thirteenth Norfolk. -- Consisting of the towns of Dover and Needham, both in the county of Norfolk.

Fourteenth Norfolk. -- Consisting of the town of Wellesley, in the county of Norfolk; and the town of Weston, in the county of Middlesex.

Fifteenth Norfolk. -- Consisting of precincts one, two, three, four, six, seven, eight, nine, ten and eleven, of the town of Brookline, in the county of Norfolk.

Plymouth

First Plymouth. -- Consisting of the town of Plymouth, in the county of Plymouth.

Second Plymouth. -- Consisting of the towns of Middleborough and Wareham, both in the county of Plymouth.

Third Plymouth. -- Consisting of the town of Cohasset, in the county of Norfolk; and the towns of Hingham and Hull, both in the county of Plymouth.

Fourth Plymouth. -- Consisting of the towns of Marshfield and Scituate, both in the county of Plymouth.

Fifth Plymouth. -- Consisting of the towns of Hanover, Norwell and Rockland, all in the county of Plymouth.

Sixth Plymouth. -- Consisting of the towns of Duxbury, Hanson and Pembroke, all in the county of Plymouth.

Seventh Plymouth. -- Consisting of the town of Holbrook, in the county of Norfolk; and the towns of Abington and Whitman, both in the county of Plymouth.

Eighth Plymouth. -- Consisting of the town of Bridgewater, in the county of Plymouth; and the town of Raynham, precinct A of ward two and precinct B of ward three, of the city of Taunton, all in the county of Bristol.

Ninth Plymouth. -- Consisting of all precincts of ward one, precincts C and D of ward two, all precincts of ward three, and precinct A of ward four, of the city of Brockton, in the county of Plymouth.

Tenth Plymouth. -- Consisting of precinct B of ward two, precincts B, C and D of ward four, all precincts of ward five, and precinct B of ward six, of the city of Brockton, and the town of West Bridgewater, all in the county of Plymouth.

Eleventh Plymouth. -- Consisting of the town of Avon, in the county of Norfolk; and precinct A of ward two, precincts A, C and D of ward six, and all precincts of ward seven, of the city of Brockton, in the county of Plymouth.

Twelfth Plymouth. -- Consisting of the towns of Carver, East Bridgewater, Halifax, Kingston and Plympton, all in the county of Plymouth.

### Suffolk

First Suffolk. -- Consisting of all precincts of ward one, of the city of Boston, in the county of Suffolk.

Second Suffolk. -- Consisting of all precincts of ward two, of the city of Boston, and the city of Chelsea, all in the county of Suffolk.

Third Suffolk. -- Consisting of all precinct of ward three, and precincts one, two and three of ward eight, of the city of Boston, in the county of Suffolk.

Fourth Suffolk. -- Consisting of all precincts of ward six, precincts one, two, three, four and five of ward seven, and precincts four, five, six and seven of ward eight, of the city of Boston, in the county of Suffolk.

Fifth Suffolk. -- Consisting of precincts six, eight, nine and ten of ward seven, precincts one, two, four, five, six, eight and nine of ward thirteen, and precincts one, two, three, four, five, seven and nine of ward fifteen, of the city of Boston, in the county of Suffolk.

Sixth Suffolk. -- Consisting of precincts two, four, five, seven, eight, nine, ten, eleven, twelve, thirteen and fourteen of ward fourteen, precincts one and five of ward seventeen, and precincts two, three and twenty-one of ward eighteen, of the city of Boston, in the county of Suffolk.

Seventh Suffolk. -- Consisting of precincts three, four and five of ward nine, all precincts of ward twelve, and precincts one, three and six of ward fourteen, of the city of Boston, in the county of Suffolk.

Eighth Suffolk. -- Consisting of precincts one, three, four, five, six, seven, eight, nine and ten of ward five, of the city of Boston, in the county of Suffolk.

Ninth Suffolk. -- Consisting of precincts one, two, three, four, five, six, seven, eight and nine of ward four, precinct two of ward five, precincts one and two of ward nine, and precinct one of ward twenty-one, of the city of Boston, in the county of Suffolk.

Tenth Suffolk. -- Consisting of precincts two, three, five, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty of ward twenty, of the city of Boston, in the county of Suffolk.

Eleventh Suffolk. -- Consisting of precincts one, four and six of ward twenty, and precincts twelve, thirteen and fourteen of ward twenty-one, of the city of Boston, in the county of Suffolk; and precincts five, twelve, thirteen, fourteen, fifteen and sixteen of the town of Brookline, in the county of Norfolk.

Twelfth Suffolk. -- Consisting of all precincts of ward eleven, and

---

ACTS, 1987. - Chap. 341.

precincts six, seven, eight, nine, ten, eleven, twelve and thirteen of ward nineteen, of the city of Boston, in the county of Suffolk.

Thirteenth Suffolk. -- Consisting of precincts six, eight and eleven of ward sixteen, precincts four, seven, eight, nine, ten, eleven, twelve, thirteen and fourteen of ward seventeen, and precincts one, four, five, six and seven of ward eighteen, of the city of Boston, in the county of Suffolk.

Fourteenth Suffolk. -- Consisting of precinct seven of ward seven, precincts three, seven and ten of ward thirteen, precincts six and eight of ward fifteen, precincts one, two, three, four, five, seven, nine, ten and twelve of ward sixteen, and precincts two, three and six of ward seventeen, of the city of Boston, in the county of Suffolk.

Fifteenth Suffolk. -- Consisting of precincts eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-two and twenty-three of ward eighteen, of the city of Boston, in the county of Suffolk.

Sixteenth Suffolk. -- Consisting of precinct ten of ward four, all precincts of ward ten, and precincts one, two, three, four and five of ward nineteen, of the city of Boston, in the county of Suffolk.

Seventeenth Suffolk. -- Consisting of precinct three of ward one, precinct one of ward three, all precincts of ward four, precincts one and two of ward five, and all precincts of ward six, of the city of Revere, all in the county of Suffolk; and all precincts of wards seven and eight, of the city of Malden, in the county of Middlesex.

Eighteenth Suffolk. -- Consisting of precincts four, six, seven, eight, nine, ten, eleven and fifteen of ward twenty-one, and precincts two, three, six, nine and ten of ward twenty-two, of the city of Boston, in the county of Suffolk.

Nineteenth Suffolk. -- Consisting of precincts two, three, five and sixteen of ward twenty-one, and precincts one, four, five, seven, eight, eleven, twelve and thirteen of ward twenty-two, of the city of Boston, in the county of Suffolk.

Twentieth Suffolk. -- Consisting of precincts one and two of ward one, all precincts of ward two, precincts two and three of ward three, and precinct three of ward five, of the city of Revere, and the town of Winthrop, all in the county of Suffolk.

### Worcester

First Worcester. -- Consisting of the towns of Athol, Holden, Hubbardston, Phillipston, Princeton, Rutland and Westminster, all in the county of Worcester.

Second Worcester. -- Consisting of the towns of Ashburnham, Royalston, Templeton and Winchendon, and the city of Gardner, all in the county of Worcester.

Third Worcester. -- Consisting of the city of Fitchburg, in the county of Worcester.

Fourth Worcester. -- Consisting of the city of Leominster and the town of Lunenburg, both in the county of Worcester.

---

ACTS, 1987. – Chap. 342.

Fifth Worcester. -- Consisting of the towns of Barre, Brookfield, East Brookfield, New Braintree, North Brookfield, Oakham, Paxton, Petersham, Spencer, Warren and West Brookfield, all in the county of Worcester.

Sixth Worcester. -- Consisting of the towns of Charlton, Dudley, Southbridge and Sturbridge, all in the county of Worcester.

Seventh Worcester. -- Consisting of the towns of Auburn, Millbury and Oxford, all in the county of Worcester.

Eighth Worcester. -- Consisting of the towns of Douglas, Hopedale, Mendon, Millville, Uxbridge and Webster, all in the county of Worcester.

Ninth Worcester. -- Consisting of the towns of Grafton, Northbridge, Sutton and Upton, all in the county of Worcester.

Tenth Worcester. -- Consisting of the town of Hopkinton, in the county of Middlesex; and the towns of Milford and Southborough, both in the county of Worcester.

Eleventh Worcester. -- Consisting of the towns of Shrewsbury and Westborough, both in the county of Worcester.

Twelfth Worcester. -- Consisting of the towns of Boylston, Clinton, Northborough, Sterling and West Boylston, all in the county of Worcester.

Thirteenth Worcester. -- Consisting of all precincts of ward one, precinct eight of ward seven, and all precincts of ward nine, of the city of Worcester, in the county of Worcester.

Fourteenth Worcester. -- Consisting of all precincts of wards two and three, and precinct four of ward ten, of the city of Worcester, in the county of Worcester.

Fifteenth Worcester. -- Consisting of all precincts of ward four, precinct five of ward five, precinct three of ward eight, and precincts one, two, three, five, six and seven of ward ten, of the city of Worcester, in the county of Worcester.

Sixteenth Worcester. -- Consisting of precincts one, two, three, four, six and seven of ward five, all precincts of ward six, and precinct four of ward eight, of the city of Worcester, in the county of Worcester.

Seventeenth Worcester. -- Consisting of the town of Leicester, and precincts one, two, three, four, five, six and seven of ward seven and precincts one, two, five, six, seven and eight of ward eight, of the city of Worcester, in the county of Worcester.

Approved July 23, 1987.

---

**Chapter 342. AN ACT PROVIDING FOR COORDINATION AND ASSISTANCE FOR CERTAIN ECONOMIC DEVELOPMENT ACTIVITIES OF THE COMMONWEALTH.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 29 of chapter 23A of the General Laws as appearing in the 1986 Official Edition, is hereby amended by inserting after the seventh paragraph the following paragraph:-



Provision for new, additional and alternative means of financing for public bodies and businesses in the commonwealth will increase the efficiency and economy by which funds can be generated for the important public purposes of encouraging economic growth and stability and insuring employment in the commonwealth and furthering the public purposes of public bodies to be assisted by this act. Among the advantages will be improved access to international as well as domestic capital markets by enabling the agency, among its other purposes, to borrow funds on a non-tax-exempt basis for public purposes including the financing of economic development projects in the commonwealth.

**SECTION 2.** Said chapter 23A, as so appearing, is hereby amended by striking out section 30 and inserting in place thereof the following section:-

Section 30. (a) The following words as used in sections twenty-nine to thirty-eight, inclusive, shall, unless the context requires otherwise, have the meanings set forth in section one of chapter forty D: "Authority", "Construction", "Cost of the project" and "Costs", "Current expenses", "Federal agency", "Governing body", "Improvement", "Industrial occupant", "Lease", "Lessee", "Rental", "Municipality", "Pollution control facilities", "Solid waste disposal facilities", "Liquid waste disposal facilities", "Waste disposal facilities", "Trust agreement".

The words "Industrial enterprise" as used in sections twenty-nine to thirty-eight, inclusive, shall, unless the context requires otherwise, have the same meaning as set forth in section one of chapter forty D, except that the next to the last sentence of paragraph (1) of said section one shall not apply to the agency.

The words "Industrial development facilities" or "facilities" as used in sections twenty-nine to thirty-eight, inclusive, shall, unless the context requires otherwise, have the meaning set forth in section one of chapter forty D, except that as used in section thirty-four of this chapter said terms shall have the meaning set forth in said section thirty-four.

(b) The following words as used in sections twenty-nine to thirty-eight, inclusive, and in any sections of chapter forty D applicable to the agency shall have the following meanings unless the context requires otherwise:

"Agency", the Massachusetts Industrial Finance Agency (MIFA) established pursuant to section thirty-one.

"Board", the board of directors of the Massachusetts Industrial Finance Agency.

"Bonds", when used in reference to the agency, any bonds, notes, debentures, interim certificates, or other financial undertakings for the purpose of raising capital, including, but not limited to, lines of credit, forward purchase agreements, investment agreements and other banking or financial arrangements, issued by or entered into by the agency pursuant to section thirty-five. "Bonds", when used in reference to a public body, any bonds, notes or other evidences of indebtedness issued by such public body pursuant to any provision of general or special law heretofore or hereafter enacted authorizing the public body to incur debt.

"Economic development project", a project providing public benefits through the establishment, expansion, securing, financing or operating of an industrial, recreational, research and development, commercial or service enterprise or facility, or any parts or combinations thereof, located within or partially within the commonwealth and including, but not limited to, all facilities necessary or desirable in connection therewith or incidental thereto, including provision for working capital.

"Financing document", an instrument entered into by the agency with one or more other persons pertaining to the issue or securing of bonds or the application to the purposes of the agency of proceeds of bonds or other funds of the agency. A financing document may include, but need not be limited to, a lease, installment sale agreement, conditional sale agreement, mortgage, loan agreement, trust agreement, security agreement, letter of credit, reimbursement agreement, or currency or interest rate swap agreement. A financing document may also be an agreement between the agency and a lending institution which has agreed to make a loan to a user to finance a project.

"Industrial Mortgage Insurance Fund", the fund established pursuant to section thirty-three.

"Lending Institution", any bank or trust company; Federal National Mortgage Association; approved mortgage banker; savings bank; credit union; national banking association; insurance company; financial institution or governmental agency approved by the agency to participate in the financing of a project.

"Loan", shall include, but not be limited to, industrial mortgage loans, and may include bonds issued under the provisions of section thirty-five and under chapter forty D.

"Person", any natural or corporate person, including bodies politic and corporate, public departments, offices, agencies, authorities and political subdivisions of the commonwealth, corporations, trusts, societies, associations, and partnerships and subordinate instrumentalities of any one or more political subdivisions of the commonwealth.

"Primary employment", work which pays at least one and one-half times the minimum wage, as defined in chapter one hundred fifty-one or as established by federal law, whichever is higher, offers adequate fringe benefits including health insurance, and is not seasonal or part-time.

"Project", shall have the meaning set forth in section one of chapter forty D and, when used in reference to a financing pursuant to paragraph (b) of section thirty-five at this chapter, shall also include any economic development project, and, when used in reference to a financing pursuant to paragraph (c) of said section thirty-five, shall also include any activity for which a public body is authorized to expend funds.

"Public body", the commonwealth, and any body politic and corporate of the commonwealth, including any political subdivision or instrumentality thereof, which is empowered to issue bonds secured by a pledge of revenues or other special funds, but not including any municipality or district for which the issuance of debt is governed or limited by the provisions of chapter forty-four of the General Laws.

"Revenues", any receipts, fees, rentals or other payments or income received or to be received on account of obligations to the agency under a financing document, including, without limitation, income on account of the leasing, mortgaging, sale or other disposition of a project or proceeds of a loan made by the agency in connection with any project, and also including amounts in reserves or held in other funds or accounts established in connection with the issuance of bonds and the proceeds of any investments thereof, proceeds of foreclosure and any other fees, charges or other income received or receivable by the agency other than the industrial mortgage insurance fund established pursuant to section thirty-three with respect to a project or the financing thereof.

"Sponsor", any person endeavoring to secure the assistance of the agency or of a local authority in financing a project.

"User", one or more persons, other than a public body, a municipality, a public district or a lending institution, acting as lessee, purchaser, mortgagor or borrower who has obtained or is seeking to obtain financing for a project, either from the agency or from a lending institution which has obtained or is seeking to obtain funds from the agency to finance a project and may include a party who transfers the right of use and occupancy to another party by lease, sublease or otherwise.

**SECTION 3.** Clause (b) of section 31 of said chapter 23A, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:-

(b) The agency shall be governed and its corporate powers exercised by a board of directors, which shall consist of the secretary of administration and finance, the secretary of manpower affairs, the commissioner of commerce and labor, or their designees and six other members to be appointed by the governor, one of whom shall be experienced in real estate development, one of whom shall be experienced in industrial mortgage credit or in commercial credit, one shall be experienced in banking or investment banking, one of whom shall be experienced in business management, one of whom shall be a representative of organized labor.

**SECTION 4.** Said chapter 23A, as so appearing, is hereby amended by striking out section 32 and inserting in place thereof the following section:-

The agency shall have all powers necessary or convenient to carry out and effectuate its purposes, including, without limiting the generality of the foregoing, the powers:

(a) to adopt and amend bylaws, regulations and procedures for the governance of its affairs and the conduct of its business;

(b) to adopt an official seal;

(c) to sue and be sued, to prosecute and defend actions relating to its properties and affairs, and to be liable in tort in the same manner as a private person, provided, however, that the agency is not authorized to become a debtor under the United States Bankruptcy Code;

(d) to appoint officers and employees and to engage consultants, agents and advisors;

(e) to enter into contracts and agreements and execute all instruments necessary or convenient thereto for accomplishing the purposes of sections twenty-nine to thirty-eight inclusive; such contracts and agreements may include, without limiting the foregoing, construction agreements, purchase or acquisition agreements, loan or lease agreements including agreements conditioned upon the subleasing of the demised premises, partnership agreements including limited partnership agreements, joint ventures, participation agreements or loan agreements with leasing corporations or other financial institutions or intermediaries, and agreements with one or more persons for the servicing of loans made by the agency including the receipt by such servicer of payments made by a user under a financing document. Any such payments shall constitute trust funds to be held and applied solely as provided in such agreement for the servicing of loans, shall constitute pledged funds of the agency and shall be entitled to the same protection when received by a person for the servicing of loans, without the need for filing and recording of the servicing agreement under the provisions of chapter one hundred and six or otherwise except in the records of the agency, as is afforded to funds received by an issuer and pledged to a trustee under section fourteen of chapter forty D.

(f) to acquire personal property, or any interest therein, on either a temporary or long term basis in the name of the agency and to acquire real property on a temporary basis, by gift, purchase, transfer, foreclosure, lease or otherwise including rights or easements; to hold, sell, assign, lease, encumber, mortgage or otherwise dispose of any real or personal property, or any interest therein, or mortgage any interest owned by it or under its control, custody or in its possession; to release or relinquish any right, title, claim, lien, interest, easement or demand however acquired, including any equity or right of redemption in property foreclosed by it; to take assignments of leases and rentals, proceed with foreclosure actions, or take any other actions necessary or incidental to the performance of its corporate purposes;

(g) to invest any funds held in reserves or sinking funds, or in the Industrial Mortgage Insurance Fund, or any funds not required for immediate disbursement, in such investments as may be provided in any financing document relating to the use of such funds, or, if not so provided, as the board may determine;

(h) to appear in its own behalf before boards, commissions, departments or other agencies of municipal, state or federal government;

(i) to obtain insurance;

(j) to apply for and accept subventions, grants, loans, advances and contributions from any source of money, property, labor or other things of value, to be held, used and applied for its corporate purposes;

(k) to borrow money, issue bonds and apply the proceeds thereof as provided in section thirty-five of this chapter, in order to implement the purposes of this chapter and, without limiting the generality of the

foregoing, to augment the means of securing financing authorized by law for or otherwise available to public bodies and other users;

(l) to lend money to and to acquire or hold obligations issued by public bodies or other users at such prices and in such manner as the agency shall deem advisable and sell such bonds acquired or held by it at prices without relation to cost and in such manner as the agency shall deem advisable and to secure its own issues of bonds with such obligations held by it, all as provided in section thirty-five;

(m) to administer federally-insured pollution control loan guaranty programs;

(n) to plan, acquire or lease on a temporary basis facilities and to provide for the construction, reconstruction, improvement, alteration or repair of any facility or part thereof;

(o) to provide and pay for such advisory services and technical assistance as may be necessary or desired to carry out the purposes of sections twenty-nine to thirty-eight, inclusive;

(p) to establish and collect such fees and charges as the agency without appropriation shall determine to be reasonable; and to receive and apply revenues from fees and charges to the purposes of the agency or allotment by the commonwealth or any political subdivision thereof;

(q) to make loans to any person for the acquisition, construction, alteration, or any combination thereof, or other financing of a project, including but not limited to loans to lending institutions under terms and conditions requiring the proceeds of such loans to be used by such lending institutions for the making of loans to users for qualified projects;

(r) to give assistance to local authorities, public bodies and sponsors through the providing of information, guidelines and suggested forms and procedures for implementing their financing programs;

(s) to prepare, publish and distribute, with or without charge, as the agency may determine, such studies, reports and bulletins and other material as the agency deems appropriate;

(t) to exercise any other powers of a corporation organized under chapter one hundred and fifty-six B; and

(u) to do any and all things necessary or convenient to carry out its purposes and exercise the powers expressly granted in sections twenty-nine to thirty-eight, inclusive; provided, however, that nothing in this act or the General Laws shall be construed to authorize the agency to engage directly in the business of a manufacturing, industrial, real estate development or non-governmental service enterprise.

Notwithstanding any other provision of this chapter, the agency shall not be authorized or empowered:

(i) to emit bills of credit or accept deposits of money for time or demand deposit, to administer trusts, to engage in any form or manner in, or in the conduct of, any private or commercial banking business, or to act as a savings bank or savings and loan association;

(ii) to be or to constitute a bank or trust company within the jurisdiction or under the control of the department of banking and insurance of the commonwealth, or the commissioner thereof, the

comptroller of the currency of the United States of America or the treasury department thereof; or

(iii) to be or constitute a bank, banker or dealer in securities within the meaning of, or subject to the provisions of, any securities, securities exchange or securities dealers' law of the United States of America or the commonwealth.

**SECTION 5.** Said chapter 23A of the General Laws, as so appearing, is hereby amended by striking out section 35 and inserting in place thereof the following section:-

(a) The agency may finance industrial development facilities and pollution control facilities and waste disposal facilities and exercise the powers of an industrial development financing authority under the provisions of chapter forty D throughout the commonwealth and may issue bonds under this paragraph (a) in furtherance of these purposes in the same manner provided by said chapter for local authorities. For this purpose the provisions of said chapter relating to local authorities and to municipalities acting by and through them and to their bonds shall apply to the agency and its bonds except that the following provisions of chapter forty D shall not apply to the agency: sections two, three, four, five, six, the third paragraph of section eight, the fourth paragraph of section ten, section twelve, except the findings required to be made under subsection (2), the sixth to eleventh sentences, inclusive, of section eighteen, section nineteen and paragraphs (a) to (e), inclusive, of section twenty-one and the power of the agency in this section thirty-five shall be exercised notwithstanding the provisions of clause (ii) of section eight, sections nine, ten, thirteen and fourteen of chapter forty D.

With respect to bonds issued for the foregoing purposes under this paragraph (a), the agency shall make the findings required to be made by the finance board in chapter forty D, except that in the case of bond anticipation financing no findings shall be required concerning a trust agreement as specified in clauses (d) and (h) of subsection (2) of section twelve of said chapter forty D. The agency may issue bonds under this paragraph (a) to finance the improvement of any building or buildings for mixed commercial and residential use only if the agency and the governing body of the municipality in which the project is located find, after a public hearing held not less than ten days after publication of notice thereof in a newspaper of general circulation in such municipality, with respect to the portion of the project to be used for housing, that such portion is located in, or is needed to prevent the area in which it is located from becoming, a substandard, decadent or blighted open area, as defined in section one of chapter one hundred and twenty-one A; that the area will not by private enterprise alone and without either governmental subsidy or the exercise of governmental powers be developed or revitalized in such a manner as will prevent, arrest or alleviate the spread of blight or decay; and that such portion of the project is consistent with the sound needs of the municipality as a whole.

The agency shall inform sponsors of projects in appropriate cases of

available federal programs to guarantee or otherwise assist in financing certain types of activities and shall assist sponsors in such cases in implementing such programs through commercial and investment bankers. When the agency receives an inquiry from a potential sponsor of a project for financing under this paragraph (a), it shall promptly notify in writing (i) the industrial development financing authority if such an authority exists in the city or town where such project is proposed to be financed; or (ii) the mayor or board of selectmen in said city or town where no such authority exists. In the case of a city or town having an industrial development financing authority the agency shall provide such authority with all practicable assistance in completing the said project promptly. If, however, the board of the agency shall find that such local authority has not acted in a timely fashion in processing the application of the project's sponsor or other aspects of the project without reasonable grounds for such delay, the agency may undertake the financing of the project directly with the sponsor without the intervention of the local authority. At any time a city or town may require the agency to assume the role of an authority in financing a project under this paragraph (a). If a city or town having an industrial development finance authority has rejected, in a timely fashion, a proposed project for financing by such authority under chapter forty D, it shall notify the agency of that rejection, and the agency shall not undertake that project in the city or town.

(b) The agency may lend money to one or more users to finance economic development projects as an alternative to its authority under paragraph (a) of this section, and as an incident to any such loan the agency may enter into financing documents and may acquire and hold any duly authorized payment obligations of such users. The agency may issue its bonds for financing such loans, provided that no bonds issued by the agency under the authority of this paragraph (b) shall be accompanied by a certificate or legal opinion to the effect that interest on the bonds is excludable from gross income of the recipients for federal income tax purposes. No financing shall be provided by the agency under this paragraph (b) for any project for the use of a non-profit entity or for housing if such financing may be provided by the agency through the intermediacy of another public body pursuant to paragraph (c) of this section, and no financing shall be made by the agency for the purposes of this paragraph (b) unless the agency shall first have determined that:

- (i) the user is a responsible party;
- (ii) the financing of the project is reasonably expected to stimulate economic growth or stability within the commonwealth and will, as a result, confer a definite benefit on the citizens of the commonwealth, and any private benefit which may be derived from the project will not be so disproportionate as to override the public purpose of stimulating or stabilizing the economy of the commonwealth;
- (iii) the project will provide employment, or security against loss of employment, having a reasonable relationship to the principal amount of the agency's loan therefor;

(iv) the agency's bonds and any financing document contain reasonable provisions and comply with the provisions of this chapter;

(v) payments to be made under applicable financing documents are adequate to pay the current expenses of the agency in connection with the project and to make payments on the bonds; and

(vi) the sponsor of the project does not do business in the Union of South Africa;

(vii) the sponsor of the project does not do business in Northern Ireland absent compliance with the McBride Principles.

(c) The agency may lend money to one or more public bodies in order to assist said public bodies in carrying out their corporate purposes and as an incident to any such loan the agency may acquire and hold the bonds, notes or other duly authorized payment obligations of said public bodies. The agency may issue bonds for the purpose of financing such lending; provided, however, that no bonds issued by the agency for these purposes shall be accompanied by a certificate or legal opinion to the effect that interest on the bonds is excludable from gross income of the recipients for federal income tax purposes. In financing documents pertaining to such lending, the agency may require the public body to pay any fixed annual charges and any fees and expenses charged by the agency for its services rendered in connection with the acquisition by the agency of such obligation. Upon the issue to the agency of any obligations of a public body for purposes of this section, the public body issuing such obligations shall be deemed to have agreed that, in the event of the failure of such public body to pay the interest and premium, if any, on, and principal of, such obligations, and notwithstanding the provisions of any other law, the agency may thereupon avail itself of all remedies, rights and provisions of law applicable in such circumstances, and no delay or failure to exercise any such rights and remedies on the part of the agency may be raised as a defense by such public body.

No loan shall be made by the agency for the purposes of this paragraph (c) unless the agency shall have first received assurance satisfactory to the agency that the payment obligations of the public body to be acquired by the agency in connection with such loan are valid and binding obligations of the public body enforceable in accordance with their terms; provided, however, that the provisions of this act shall not be construed to expend the power or purpose of any public body except MIFA.

(d) The agency shall provide for issuance of its bonds from time to time by resolution of the board of directors. An issue of bonds of the agency may combine more than one of the agency's authorized purposes for borrowing money. Bonds issued by the agency may be issued as general obligations of the agency or as special obligations payable solely from particular revenues or funds as may be provided for in any financing document pertaining thereto. Bonds of each issue may be dated, may bear interest at such rate or rates, including rates variable from time to time, may be payable in any domestic or foreign currency and at any domestic or foreign location, and may mature or otherwise be payable at such time or times, as may be provided for by the agency, and



may be made redeemable or determinable before maturity at the option of the agency or the holder thereof at such price or prices and under such terms and conditions as may be fixed by the agency. The agency shall determine the form of bonds, including interest coupons, if any, to be attached thereto, and the manner of execution of such bonds, and shall fix the denomination or denominations of such bonds and the place or places of payment of principal, redemption premium, if any, and interest thereon. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery thereof, such signature or facsimile shall nevertheless be valid and sufficient for all purposes as if such officer had remained in office until delivery. The agency may provide for authentication of bonds by a trustee, fiscal agent, registrar or transfer agent. Bonds may be issued in bearer or in registered form, or both, and, if notes, may be made payable to bearer or to order, as the agency may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, for the reconversion into coupon bonds of bonds registered as to both principal and interest and for the interchange of bonds registered as to both principal and interest and for the interchange of registered and coupon bonds. The agency may also establish and maintain a system of registration for any bonds whereby the name of the registered owners, the rights evidenced by the bonds, the transfer of the bonds and such rights and other similar matters are recorded in books or other records maintained by or on behalf of the agency, and no instrument evidencing such bond or rights need be delivered to the registered owner by the agency. A copy of the books or other records of the agency pertaining to any bond registered under such registration system certified by an authorized officer of the agency or by the agent of the agency maintaining such system shall be admissible in any proceeding without further authentication. The board may by resolution delegate to any director or directors or officer or officers of the agency or any combination thereof the power to determine any of the matters set forth in this section. In the discretion of the agency, bonds of the agency may be issued with such terms as will cause the interest thereon to be subject to federal income taxation. The agency may sell its bonds in the manner, either at public or private sale, for the price, at the rate or rates of interest, or at discount in lieu of interest, as it determines will best effect its corporate purposes. The agency may issue bonds for any of its authorized purposes without obtaining a certificate of convenience and necessity from the department of commerce and development. Notwithstanding the provisions of paragraphs (a) and (b), the bonds of any such issue may be issued prior to the making by the agency of the findings required to be made, provided that the board makes such findings prior to the disbursement of the proceeds of a loan to a user or a public body.

(e) Said agency may issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when the bonds

shall have been executed and are available for delivery. The agency may also provide for replacement of any bonds which shall have become mutilated or shall have been destroyed or lost. The agency, by itself or through such agent as it may select, may purchase and invite offers to tender for purchase any bonds of the agency at any time outstanding, provided, however, that no such purchase by the agency shall be made at a price, exclusive of accrued interest, if any, exceeding the principal amount thereof or, if greater, the redemption price of such bonds when next redeemable at the option of the agency, and may resell any bonds so purchased in such manner and for such price as it may determine will best effect its corporate purposes.

(f) Without limiting the powers of the agency contained elsewhere in this chapter or in chapter forty D, in connection with any such issue of bonds, the agency may create and establish one or more special funds, hereafter referred to as "bond reserve funds", and may establish one or more costs of issuance accounts, and shall pay into each such bond reserve fund or costs of issuance account any proceeds of sale of bonds or letter of credit or insurance policy or other financing document as may be provided in the resolution authorizing the issuance of, or financing document securing, such bonds and any other moneys which may be available to the agency for the purpose of each such fund or account from any other source or sources. Whenever the agency issues such bonds to fund reserves or costs of issuance, it may determine whether or not the cost of funding such reserves or costs of issuance, shall be treated as a cost of the project and whether or not a financing document shall be required to provide payments to amortize principal and interest of such bonds. In any event, the expected yield on bond reserve funds may, with the approval of the agency, be taken into account in determining the sufficiency of payments required under a financing document to amortize bonds issued for costs of the project. All moneys held in any bond reserve fund may be pledged to, and charged with, the payment of the principal of and the interest on the bonds with respect to which such bond reserve fund may be established, as the same shall become due, and the redemption or purchase price of such bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made. The use and disposition of moneys to the credit of such bond reserve fund shall be subject to the provisions of the resolution authorizing the issuance of, or financing document securing, such bonds. Except as may otherwise be provided in such resolution or such financing document, such bond reserve fund shall be a fund for bonds issued to finance all such projects without any distinction or priority of any bond over another; provided the agency in any such resolution or financing document may provide that such bond reserve fund shall be the fund for a particular project and for the bonds issued to finance a particular purpose and may, additionally, permit and provide for the issuance of bonds having subordinate lien in respect of the security authorized to other bonds of the agency and, in such case, the agency may create separate or other similar funds in respect of such subordinate lien bonds.

(g) In the discretion of the board of directors, any bonds issued hereunder may be secured by a financing document in such form and executed in such manner as may be determined by the board of directors between the agency and the purchasers or holders of such bonds or between the agency and a corporate trustee which may be any trust company or bank having the powers of a trust company within or without the commonwealth. Such financing document may pledge or assign, in whole or in part, the revenues and funds held or to be received by the agency, and any contract or other rights to receive the same, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the agency, and the proceeds thereof. Such financing document may contain such provisions for protecting and enforcing the rights, security and remedies of bondholders as may be reasonable and proper, including, without limiting the generality of the foregoing, provisions defining defaults and providing for remedies in the event thereof which may include the acceleration of maturities, restrictions on the individual right of action by bondholders and covenants setting forth duties of and limitations on the agency in conduct of its programs and the management of its property. In addition to other security provided herein or otherwise by law, bonds issued by the agency may be secured, in whole or in part, by financial guarantees, by insurance or by letters of credit issued to the agency or a trustee or any other person, by any bank, trust company, insurance or surety company or other financial institution, within or without the commonwealth, and the agency may pledge or assign, in whole or in part, the revenues and funds held or to be received by the agency, and any contract or other rights to receive the same, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the agency, and the proceeds thereof, as security for such guarantees or insurance or for the reimbursement by the agency to any issuer of such letter of credit of any payments made under such letter of credit.

(h) It shall be lawful for any bank or trust company to act as a depository or trustee of the proceeds of bonds, revenues or other moneys under a resolution, financing document or other agreement of the agency and to furnish indemnification and to provide security as may be required by the agency. Any pledge of revenues and other funds made by the agency under the provisions of this act shall be valid and binding and shall be deemed continuously perfected for the purposes of the uniform commercial code and other laws when such pledge is made. The revenues and funds, rights therein and thereto and proceeds so pledged and then held or thereafter acquired or received by the agency shall immediately be subject to the lien of such pledge without any physical delivery or segregation thereof or further act, and the lien of any such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the agency, whether or not such parties have notice thereof. The resolution or financing document by which a pledge is created need not be filed or recorded to perfect such pledge except in the records of the agency and no filing need be made under the

uniform commercial code. It is hereby declared that any pledge or assignment made under the authority of this act is an exercise of the political and governmental powers of the agency, and revenues or funds, contract or other rights to receive the same and the proceeds thereof which are subject to the lien of a pledge or assignment created under this act shall not be applied to any purposes not permitted by such pledge or assignment.

(i) Any holder of a bond issued by the agency or of any of the coupons appertaining thereto and any trustee or other representative under an applicable financing document pertaining to the same, except to the extent the rights herein given may be restricted by a financing document, may bring suit upon the bonds or coupons and may, either at law or in equity, by suit, action, mandamus, or other proceeding for legal or equitable relief, including proceedings for the appointment of a receiver to take possession and control of the business and properties of the agency, to fix, revise and collect charges, protect and enforce any and all rights under the laws of the commonwealth or granted hereunder or under a resolution or financing document, and may enforce and compel performance of all duties required by this act or by such bond resolution, trust agreement or other agreement, to be performed by the agent or by any officer thereof.

(j) Bonds issued by the agency shall not constitute a debt or a pledge of the faith and credit of the commonwealth, but shall be payable solely from the revenues provided for under a financing document in connection therewith or from reserve funds or other funds of the agency or from funds derived from the issuing of duly authorized refunding bonds. All bonds issued by the agency shall suitably state that the bonds are not an obligation of the commonwealth but are payable solely from the funds specifically pledged for their payment.

(k) The agency may issue refunding bonds for the purpose of paying any of its bonds issued pursuant to section thirty-five of this act at or prior to maturity or upon acceleration or redemption or purchase and retirement. Refunding bonds may be issued at such times at or prior to the maturity, redemption or purchase and retirement of the refunded bonds as the board deems to be in the interest of the agency. Refunding bonds may be issued in sufficient amounts to pay or provide for payment of the principal of the bonds being refunded, together with any redemption premium thereon, any interest or discount accrued or to accrue to the date of payment of such bonds, the costs of issuance of the refunding bonds, the expenses of paying, redeeming or purchasing the bonds being refunded, the costs of holding and investing proceeds of refunding bonds pending such payment, redemption or purchase and such reserves for debt service or other capital or current expenses from the proceeds of such refunding bonds as may be required by a bond resolution, financing document or other agreement securing bonds. The issue and sale of refunding bonds issued pursuant to this paragraph (k), the maturities and other details thereof, the security therefor, the rights of the holders thereof, and the rights, duties and obligations of the agency in respect of the same shall be governed by the provisions of this

---

**ACTS, 1987. – Chap. 343.**

act relating to the issue of bonds other than refunding bonds insofar as the same may be applicable.

**SECTION 6.** Subdivision (2) of section 12 of chapter 40D of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out clause (k) and inserting in place thereof the following clause:-

(k) the project has, so far as feasible, been located in a low income area of a municipality so that employment opportunities will become available to residents of such area, and, in the case of a project including a commercial enterprise or incidental thereto for use by a governmental or nonprofit entity, the project is located in a predominantly commercial area for which a commercial area revitalization plan has been adopted by the governing body of the municipality and approved by the secretary of communities and development and the project is consistent with the plan. The purposes of a commercial area revitalization plan shall be to prevent or arrest and reverse the decay of the area covered by the plan. The plan shall describe the area and set forth the development or redevelopment, including public improvements, proposed to carry out the purposes of the plan. Nothing herein shall preclude the undertaking of such development or redevelopment through urban renewal or an economic development and industrial corporation or by other means, subject to the laws applicable thereto. In exercising the power of approval granted by this clause, the secretary shall, among other lawful and relevant considerations, seek to avoid and correct the deterioration of older commercial centers which result from the movement of commercial enterprise to previously noncommercial areas.

**SECTION 7.** 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.

Approved July 23, 1987.

---

**Chapter 343. AN ACT FURTHER REGULATING CERTAIN CLAIMS AGAINST HOUSING AUTHORITIES.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 3 of chapter 258, as appearing in the 1986 Official Edition of the General Laws is hereby amended by adding the following sentence:- The district court and housing court shall have jurisdiction of actions brought against housing authorities pursuant to sections twenty-one to twenty-five, inclusive, of chapter two hundred and eighteen.

---

**ACTS, 1987. - Chap. 344.**

**SECTION 2.** Section 4 of said chapter 258, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The provisions of this section shall not apply to such claims as may be asserted by third-party complaint, cross claim, or counter-claim, or to small claims brought against housing authorities pursuant to sections twenty-one to twenty-five, inclusive, of chapter two hundred and eighteen; provided however, that no small claim shall be brought against a housing authority more than three years after the date upon which the cause of action arose.

**SECTION 3.** Section four of chapter two hundred and fifty-eight of the General Laws shall not apply to any civil action brought against a housing authority or other operating agency organized pursuant to chapter one hundred and twenty-one B of the General Laws on a cause of action which arose prior to May Seventh, nineteen hundred and eighty-seven. No such action shall be brought more than three years after the date upon which the cause of action arose.

Approved July 23, 1987.

EMERGENCY LETTER: July 23, 1987 @ 4:42 A.M.

---

**Chapter 344. AN ACT AUTHORIZING THE DEPUTY COMMISSIONER FOR THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO GRANT TO FRUEHAUF CORPORATION AN EASEMENT FOR ACCESS OVER PROPERTY UNDER THE CONTROL OF THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT LOCATED IN THE ROWLEY STATE FOREST IN THE TOWN OF GEORGETOWN.**

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 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 passage and access purposes, including but not limited to, vehicular passage and access, over certain land under the control of the department of environmental management, located in the Rowley State Forest in the town of Georgetown, to the Fruehauf Corporation, subject to the provisions of section two and to such additional terms and conditions as the deputy commissioner may prescribe, in consultation with the department of environmental management.

**SECTION 2.** Said land being bounded and described as follows:

A certain parcel of land in the town of Georgetown, Essex County,

---

ACTS, 1987. - Chap. 345.

Massachusetts, being a portion of land of the Commonwealth of Massachusetts, Department of Environmental Management.

Commencing at a point of the southerly side of East Main Street, Route #133 (1974 Town Layout), said point being 706.92 feet easterly of a Massachusetts highway bound at the intersection of East Main Street with the easterly limit of Interstate Highway I-95 (1974 Taking Line), measured along the following courses: S 74°-54'-44"E, 656.92 feet and S 81°-17'-39"E, 50.00 feet;

thence continuing S 81°-17'-39"E, along said southerly line of East Main Street 25.00 feet to a point;

thence running S 37°-27'-23"W, 50.13 feet to a point of curvature of a curve to the right having a radius of 100.00 feet;

thence running in a generally southwesterly direction along said curve to the right having a radius of 100.00 feet, 118.06 feet to the point of tangency of said curve;

thence running N 74°-53'-44"W, 146.27 feet to a point;

thence running N 28°-23'-07"E, 51.37 feet to a point;

thence running S 74°-53'-44"E, 174.59 feet to a point;

thence running S 81°-17'-39"E, 47.19 feet to a point;

thence running N 15°-06'-16"E, 50.31 feet to a point of commencement;

said proposed access easement contains 10,908 square feet. Said parcel and easement being shown on plan entitled "Site Survey, Research and Development Division, Fruehauf Corporation - Boston Sales and Service Branch, Georgetown, Massachusetts" by L.E.A. Group, Boston, Massachusetts, dated September ninth, nineteen hundred and eighty-six as revised September nineteenth, nineteen hundred and eighty-six.

The consideration for such conveyance shall be the fair market value of said parcel as determined by an independent appraisal and paid either in funds, an exchange of land, or a combination, thereof. Said consideration to be agreed upon by the corporation and the deputy commissioner of capital planning and operations in consultation with the department of environmental management. The cost of appraisals, surveys and other expenses shall be paid by said Fruehauf Corporation. The exchange for value may include the conveyance by Fruehauf Corporation by deed to the commonwealth of ten thousand nine hundred square feet of land, more or less.

Approved July 23, 1987.

---

**Chapter 345. AN ACT EXTENDING THE LIMITATION OF TORT LIABILITY TO OFFICERS AND DIRECTORS OF CHARITABLE CORPORATIONS.**

Be it enacted, etc., as follows:

Chapter 231 of the General Laws is hereby amended by inserting after

---

**ACTS, 1987. – Chap. 346.**

section 85V, inserted by chapter 265 of the acts of 1987, the following section:-

Section 85W. Except as provided otherwise in this section and in section eighty-five V, no person who serves without compensation, other than reimbursement for actual expenses, as an officer, director or trustee of any nonprofit charitable organization including those corporations qualified under 26USC section 501 (c) (3) shall be liable for any civil damages as a result of any acts or omissions relating solely to the performance of his duties as an officer, director or trustee; provided, however, that the immunity conferred by this section shall not apply to any acts or omissions intentionally designed to harm or to any grossly negligent acts or omissions which result in harm to the person. Nothing in this section shall be construed as affecting or modifying any existing legal basis for determining the liability, or any defense thereto, of any person not covered by the immunity conferred by this section.

Nothing in this section shall be construed as affecting or modifying the liability of any person subject to this section for acts or omissions which are committed in the course of activities primarily commercial in nature even though carried on to obtain revenue to be used for charitable purposes, nor for any cause of action arising out of such person's operation of an automobile.

Approved July 23, 1987.

---

**Chapter 346. 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 J. Ferrucci, as he is an attorney in Westbrook, Maine, on August fifteenth, nineteen hundred and eighty-seven, in the town of Montague, between Barbara L. Jacque and William C. McMurray, Jr., both of the city of Newton, and the state secretary shall issue to said David J. Ferrucci in his capacity as aforesaid a certification of such authorization.

Approved July 30, 1987.



**Chapter 347. AN ACT FURTHER REGULATING CERTAIN PRESCRIPTIONS.**

Be it enacted, etc., as follows:

Section 18 of chapter 94C 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) A prescription for a controlled substance contained in schedules III to VI, inclusive, as defined in section three may also be issued by an authorized practitioner who is duly licensed to practice medicine and duly registered in the state wherein he resides, if required, and duly registered under federal law to write prescriptions. It is the duty of the registered pharmacist who is filling a prescription under this paragraph to determine, in accordance with professional standards and personal judgment, that such prescription is authentic and valid; provided, however, that if the substance is in schedules III to V, inclusive, the registered pharmacist shall verify the prescription by telephone or other means. A pharmacist shall not fill a prescription for which said verification cannot be obtained. The pharmacist shall not be held liable for refusing to fill a prescription for which said verification cannot be obtained, provided that documented good faith efforts were made to determine the authenticity and validity of the prescription. This paragraph shall be valid only for the purpose of authorizing the filling of prescriptions, issued within the preceding thirty days, and shall not authorize said physician to process, administer or dispense controlled substances as provided in section nine or to practice medicine within the commonwealth. In the case of any oral prescription for a schedule III through V substance, the pharmacist shall record that he has requested that the practitioner deliver or mail to the dispensing pharmacy a written prescription for the controlled substance within seven days or such shorter period required by Federal law. Any prescription issued under this paragraph shall be issued in the manner prescribed in section twenty-two and all relevant provisions of this chapter shall apply to such physician and prescription. Nothing contained in this section shall be deemed to authorize any mail order pharmacies.

Approved July 30, 1987.

---

**Chapter 348. AN ACT FURTHER REGULATING THE PURCHASE OF CERTAIN ANNUITY CONTRACTS BY EMPLOYEES OF SCHOOL COMMITTEES AND MUNICIPAL HOSPITALS.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate the purchase of certain annuity contracts by employees of school committees and municipal hospitals, 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 40 of the General Laws is hereby amended by striking out section 55, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:-

Section 55. Any city through an officer designated by the city council or any town through an officer designated by the selectmen which operates a hospital may enter into a written agreement with such hospital employees to purchase or make payments to an individual or group annuity contract, custodial account, or any other investment authorized under section 403(b) of the Internal Revenue Code for such employee; provided, however, that in no event shall the total of the premiums paid for the purchase of any such annuity, custodial account, or other investment and the employee's includible compensation for any year exceed the total annual salary or compensation under the existing salary schedule or classification plan applicable to such employee in such year. As used in this section, the words "includible compensation" shall have the same meaning as in said section 403(b) and the word "premiums" shall include contributions paid to any such custodial account or other investment. Such employee's rights under such annuity contract, custodial account or other investment shall be nonforfeitable. Such contract shall be purchased only from an insurer authorized to issue life insurance or annuity contracts in the commonwealth; any such custodial account or other investment shall be purchased only from a company or corporation authorized to sell such other investments in the commonwealth; provided, however, that any such city or town may agree with any such employee or prospective employee who has an annuity contract, custodial account or any such other investment in force for at least ninety days prior to the effective date of such agreement to continue to make premium payments under such contract, account or investment subsequent to the effective date of such agreement, without regard to whether or not such contract, account or investment has been issued or sold by an entity authorized to issue or sell such contracts, accounts or other investments in the commonwealth, but in such case any subsequent contract shall be purchased only from an insurer authorized to issue life insurance or annuity contracts in the commonwealth, and any such custodial account or other investment shall be purchased only from a company or corporation authorized to sell such accounts or other investments in the commonwealth. Upon execution of such an agreement, the officer of the city or town thereunto authorized shall forthwith give written notice thereof to the treasurer of such city or town and shall certify the amount and dates of premiums payable under the terms of such contract, account or investment, the name of the issuing insurer or selling company or corporation and the office to which such premium payments shall be made. Said treasurer shall thereafter make such premium payments while such contract, account or investment is in force and such employee is actively employed by the city or town and, upon written notice duly given by said officer, shall make any changes in the manner or amount of premium payments

required under the terms of any subsequent agreement, contract, account or investment entered into by such employee and the city or town and shall stop such premium payments when so notified by such officer. Such city or town shall not offer to such employee any such annuity plan, custodial account or other investment to the exclusion of any other plan, custodial account or other investment, whether group or individual.

**SECTION 2.** Chapter 71 of the General Laws is hereby amended by striking out section 37B, as so appearing, and inserting in place thereof the following section:-

Section 37B. A school committee or a board of trustees of a vocational school may, on a day appointed, which shall be within ninety days of the opening of a school year, enter into a written agreement with any of its employees to purchase or make payments to an individual or group annuity contract, custodial account, or any other investment authorized under section 403(b) of the Internal Revenue Code for such employee; provided, however, that in no event shall the total of the premiums paid for the purchase of any such annuity, custodial account, or other investment and the employee's includible compensation for any year exceed the total annual salary or compensation under the existing salary schedule or classification plan applicable to such employee in such year. As used in this section, the words "includible compensation" shall have the same meaning as in said section 403(b) and the word "premiums" shall include contributions paid to any such custodial account or other investment. Such employee's rights under such annuity contract, custodial account or other investment shall be nonforfeitable. Any such contract shall be purchased only from an insurer authorized to issue life insurance or annuity contracts in the commonwealth; any such custodial account or other investment shall be purchased only from a company or corporation authorized to sell the same in the commonwealth; provided, however, that any such committee may agree with any employee or prospective employee who has any such annuity contract, custodial account or such other investment in force for at least ninety days prior to the effective date of such agreement to continue to make premium payments under such contract, account or investment subsequent to the effective date of such agreement, without regard to whether or not such contract, account or investment has been issued or sold by an entity authorized to issue or sell such contracts, accounts or other investments in the commonwealth, but in such case any subsequent contract shall be purchased only from an insurer authorized to issue life insurance or annuity contracts in the commonwealth, and any such custodial account or other investment shall be purchased only from a company or corporation authorized to sell such accounts or other investments in the commonwealth. Upon execution of such an agreement, the committee shall forthwith give written notice thereof to the treasurer or other payroll officer of the city, town or district, and shall certify the amount and dates of premiums payable under the terms of such contract, account or investment, the name of the issuing insurer

---

**ACTS, 1987. - Chap. 349.**

or selling company or corporation and the office to which such premium payments shall be made. Said treasurer or other payroll officer shall transmit the premium payments so deducted to the issuing insurer or selling company or corporation within fourteen days of the deduction. Said treasurer or other payroll officer shall thereafter make such premium payments while such contract, account or investment is in force and such employee is actively employed by the committee and, upon written notice duly given by the committee, shall make any changes in the manner or amount of premium payments required under the terms of any subsequent contract, account or investment entered into by such employee and the committee, and shall stop such premium payments when so notified by the committee. A school committee shall not offer to a teacher any such annuity plan, custodial account or other investment to the exclusion of any other plan, custodial account or other investments, whether group or individual.

Approved August 3, 1987.

---

**Chapter 349. AN ACT REGULATING RETAIL FOOD STORE PHARMACY DEPARTMENTS.**

Be it enacted, etc., as follows:

Chapter 112 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 two sections:-

Section 38. No store or retail food store pharmacy department shall be kept open for the transaction of the retail drug business, or be advertised or represented as transacting such business, by means of any sign or advertisement containing the words "drug store", "pharmacy", "apothecary", "drug", "drugs", "medicine shop", or any combination of such words, or otherwise, unless it is registered with, and a permit therefor has been issued by the board as provided in the following section; provided, however, that said words, or any of them, may, with the written permission of the board, be used with respect to a store or retail food store pharmacy department not registered with, and not having a permit issued by, the board as aforesaid, if in the town, or voting precinct thereof, where such store or retail food store pharmacy department is located there is no store or retail food store pharmacy department so registered and having such a permit. The permit shall be displayed in a conspicuous place in the store or retail food store pharmacy department for which it is issued. The word "town", as used in this section, shall not include city. Identification of a retail food store pharmacy department by use of the words "drug store", "pharmacy", "apothecary", "drug", "drugs", "medicine shop", or any combination thereof shall be restricted to the area registered by the board for the transaction of the retail drug business.

Section 39. The board may, upon application made in such manner and

---

**ACTS, 1987. - Chap. 350.**

form as it shall determine, register a store or retail food store pharmacy department for the transaction of the retail drug business, and issue to such person as it deems qualified to conduct such store or retail food store pharmacy department, a permit to keep it open; provided, however, that the board may deny such registration and refuse to issue such permit if, in its reasonable discretion, such store or retail food store pharmacy department would be inconsistent with or opposed to the best interests of the public health, welfare or safety, but 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 drug store or retail food store pharmacy department 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 under the provision 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 such failure to act is caused by the delay of the applicant, shall constitute an approval of the application and permit shall be issued. For the purposes of this section and section thirty-eight the term retail food store pharmacy department shall mean any area for the transaction of the retail drug business which is located within a retail food store.

Approved August 3, 1987.

---

**Chapter 350     AN ACT RELATING TO A CERTAIN PARCEL OF  
PARKLAND IN THE CITY OF LAWRENCE.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding any general or special law to the contrary, the city of Lawrence is hereby authorized to convey by deed to the department of environmental management a certain parcel of parkland in said city for the purpose of constructing a swimming pool facility. Said parcel is bounded and described as follows:

Beginning at a point, which is the intersection of the westerly sideline of High Street and the northerly sideline of Storrow Terrace, thence running along the westerly sideline of High Street, in a northwesterly direction, a distance of 313.92 feet to a point. Thence turning and running in a southwesterly direction, by land now or formerly of the City of Lawrence named Storrow Park, a distance of 336 feet more or less to a point. Thence turning and running in a southeasterly direction, by said Storrow Park, a distance of 225 feet more or less. Thence turning and running in a more southeasterly direction, by said Storrow Park, a distance of 50.00 feet to a point. Thence turning and running in a northeasterly direction, by said Storrow Park, a distance of 45.00 feet to a point. Thence turning and running in a southeasterly direction,

---

**ACTS, 1987. - Chap. 351.**

by said Storrow Park, a distance of 62.71 feet to a point. Thence turning and running in a southeasterly direction, by said Storrow Park, a distance of 25.00 feet to a point. Thence turning and running in a northeasterly direction, by land of William Santomas, Anne Santomas and Frances J. Peters, a distance of 87.00 feet to a point. Thence turning and running in a northwesterly direction, by Storrow Terrace, a distance of 25.00 feet to point. Thence turning and running in a northeasterly direction, by Storrow Terrace, a distance of 102.28 feet to the point of beginning. Said described lot containing 87,800 square feet more or less.

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

Approved August 5, 1987.

---

**Chapter 351. 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 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-seven, 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 notes which the state treasurer is authorized to issue under section four of chapter one hundred and sixty-seven of the acts of nineteen hundred and eighty-seven providing funds for a mental health capital outlay program 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-seven, as recommended by the governor in a message to the general court dated July eighth, nineteen hundred and eighty-seven 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 five of chapter one hundred and sixty-seven of the acts of nineteen hundred and eighty-seven providing funds for a mental health capital outlay program shall be issued for terms not to exceed twenty years; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and seventeen, as recommended by the governor in a message to the general court dated July eighth, nineteen hundred

and eighty-seven 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 notes which the state treasurer is authorized to issue under section one hundred and twenty-six of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven providing funds for a capital outlay program for the commonwealth 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-two, as recommended by the governor in a message to the general court dated July eighth, nineteen hundred and eighty-seven 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 sections one hundred and twenty-seven and one hundred and twenty-eight of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven providing funds for a capital outlay program for the commonwealth shall be issued for terms not to exceed twenty years; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and twelve, as recommended by the governor in a message to the general court dated July eighth, nineteen hundred and eighty-seven 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 sections one hundred and twenty-nine and one hundred and thirty of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven providing funds for a capital outlay program for the commonwealth shall be issued for terms not to exceed ten years; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and two, as recommended by the governor in a message to the general court dated July eighth, nineteen hundred and eighty-seven 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 one hundred and thirty-one and one hundred and thirty-two of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven providing funds for a capital outlay program for the commonwealth shall be issued for terms not to exceed seven years; provided, however, that all such bonds shall be payable not later than June thirtieth, nineteen hundred and ninety-nine, as recommended by the governor in a message to the general court dated July eighth, nineteen

hundred and eighty-seven 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 notes which the state treasurer is authorized to issue under section six of chapter two hundred and twenty-six of the acts of nineteen hundred and eighty-seven providing funds to increase the production of housing for families of low and moderate income 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, two thousand and two, as recommended by the governor in a message to the general court dated July eighth, nineteen hundred and eighty-seven in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

**SECTION 8.** Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section four of chapter two hundred and twenty-six of the acts of nineteen hundred and eighty-seven providing funds to increase the production of housing for families and persons of low and moderate income shall be issued for terms not to exceed twenty years; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and twelve, as recommended by the governor in a message to the general court dated July eighth, nineteen hundred and eighty-seven in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

**SECTION 9.** Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section five of chapter two hundred and twenty-six of the acts of nineteen hundred and eighty-seven providing funds to increase the production of housing for families and persons of low and moderate income shall be issued for terms not to exceed twenty years; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and twelve, as recommended by the governor in a message to the general court dated July eighth, nineteen hundred and eighty-seven in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

**SECTION 10.** Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under the provisions of section twenty-three of chapter three hundred and three of the acts of nineteen hundred and eighty-seven, making appropriations for the fiscal year ending June thirtieth, nineteen hundred and eighty-seven to provide for supplementing certain existing appropriations and for certain other activities and projects, 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-two, as recommended



by the governor in a message to the general court dated July ninth, nineteen hundred and eighty-seven in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

**SECTION 11.** Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section twenty-four of chapter three hundred and three of the acts of nineteen hundred and eighty-seven, making appropriations for the fiscal year ending June thirtieth, nineteen hundred and eighty-seven to provide for supplementing certain existing appropriations and for certain activities and projects, shall be issued for terms not to exceed twenty years; provided, however, that all such bonds shall payable not later than June thirtieth, two thousand and twelve, as recommended by the governor in a message to the general court dated July ninth, nineteen hundred and eighty-seven in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

**SECTION 12.** Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section twenty-five of chapter three hundred and three of the acts of nineteen hundred and eighty-seven, making appropriations for the fiscal year ending June thirtieth, nineteen hundred and eighty-seven to provide for supplementing certain existing appropriations and for certain activities and projects shall be issued for terms not to exceed ten years; provided, however, that all such bonds shall payable not later than June thirtieth, two thousand and two, as recommended by the governor in a message to the general court dated July ninth, nineteen hundred and eighty-seven in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

**SECTION 13.** Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section twenty-six of chapter three hundred and three of the acts of nineteen hundred and eighty-seven, making appropriations for the fiscal year ending June thirtieth, nineteen hundred and eighty-seven to provide for supplementing certain existing appropriations and for certain activities and projects, shall be issued for terms not to exceed ten years; provided, however, that all such bonds shall payable not later than June thirtieth, two thousand and two, as recommended by the governor in a message to the general court dated July ninth, nineteen hundred and eighty-seven in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

**SECTION 14.** Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under the provisions of section four of chapter three hundred and four of the acts of nineteen hundred and eighty-seven providing funds for the discovery and clean-up of hazardous waste sites in the commonwealth shall be issued and may be renewed one or more times for terms not exceeding

---

**ACTS, 1987. - Chaps. 352, 353.**

one year and the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and ninety-seven, as recommended by the governor in a message to the general court dated July eighth, nineteen hundred and eighty-seven in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

**SECTION 15.** Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section five of chapter three hundred and four of the acts of nineteen hundred and eighty-seven providing funds for the discovery and clean-up of hazardous waste sites in the commonwealth shall be issued for terms not to exceed thirty-five years; provided, however, that all such bonds shall be payable not later than June thirtieth, two thousand and twenty-two, as recommended by the governor in a message to the general court dated July eighth, nineteen hundred and eighty-seven in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

Approved August 5, 1987.

---

**Chapter 352. AN ACT DIRECTING THE RETIREMENT BOARD OF THE COUNTY OF NORFOLK TO GRANT A CERTAIN RETIREMENT ALLOWANCE TO PHILIP TURCHIN.**

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 retirement board in the county of Norfolk is hereby authorized and directed to grant a superannuation retirement allowance to Philip Turchin. 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 August 11, 1987.

---

**Chapter 353. AN ACT PROVIDING FOR A TOWN MANAGER IN THE TOWN OF DUXBURY.**

Be it enacted, etc., as follows:

**SECTION 1.** Upon the effective date of this act, the town of Duxbury

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 the by-laws of the town of Duxbury, this act shall govern.

**SECTION 2.** A. The board of selectmen shall serve as the goal setting, long range planning and policy making body of the town, recommending major courses of action to the town meeting, and adopting policy directives and guidelines which are to be implemented by officers, boards, committees, commissions and employees of the town.

B. The board of selectmen shall have the power to enact rules and regulations to implement policies and to issue interpretations.

C. The board of selectmen shall exercise, through the town manager, general supervision over all matters affecting the interests or welfare of the town.

D. The board of selectmen shall appoint the town manager, town counsel, registrars of voters, election officers, constables, and members of all committees, boards, and commissions except those appointed by the moderator or elected by the voters.

E. The board of selectmen shall have general administrative oversight of such boards, committees, and commissions appointed by the board of selectmen.

F. The board of selectmen shall have the responsibility and authority for licenses and other quasi-judicial functions as provided by the General Laws and the town of Duxbury by-laws.

G. The board of selectmen shall be responsible for the preparation of all town meeting warrants.

H. The board of selectmen may make investigations and may authorize the town manager or other agents to investigate the affairs of the town and the conduct of any town department, office, or agency, including any doubtful claims against the town, and for this purpose the board of selectmen may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. The report of any such investigation shall be placed on file in the office of the town clerk, and a report summarizing such investigation shall be printed in the next annual town report.

I. The board of selectmen shall review the annual proposed budget submitted by the town manager and make recommendations with respect thereto as they deem advisable. The town manager shall present the budget, incorporating the recommendations of the selectmen, to the finance committee and the fiscal advisory committee.

J. The board of selectmen, by a majority vote of its full membership, shall appoint a town manager, who shall be a person with executive and administrative qualifications and especially fitted by education, training and experience to perform the duties of the office. The office of town manager shall not be subject to the consolidated personnel by-law. The town may from time to time, by by-law, establish such additional qualifications as seem necessary and appropriate.

K. The board of selectmen may remove the town manager at any time by a majority vote. Within seven days thereafter, the town manager may

appeal the decision of said board by filing a written request for a public hearing. If such a request is filed, the board of selectmen shall conduct a public hearing within fourteen days, and shall act on the appeal within seven days thereafter.

L. The board of selectmen shall set the compensation for the town manager, not to exceed an amount appropriated by the town meeting.

M. The board of selectmen shall designate a qualified person to serve as acting town manager and to perform the duties of the office during any period of any vacancy exceeding thirty days, caused by the manager's absence, illness, suspension, removal or resignation. The appointment shall be for a period not to exceed one hundred and eighty days.

**SECTION 3.** A. The town manager shall be the chief administrative officer of the town and shall be responsible to the board of selectmen for the effective management of all town affairs placed in the manager's charge by this act, the board of selectmen, by-law, or vote of town meeting and the implementation of town policies placed in the manager's charge by the board of selectmen.

B. The town manager shall be the chief financial officer of the town and shall be responsible for the design and preparation of the municipal budget, filing grant applications, and controlling budget expenditures, including approval of the 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. Without limiting the generality of the foregoing the town manager shall have the following specific budgetary powers:

(1) The town manager shall submit to the board of selectmen a written proposed budget for town government for the ensuing fiscal year, including the budget as proposed by the school department. The proposed budget shall detail all estimated revenue from all sources, and all proposed expenditures, including debt service for the previous, current, and ensuing years. It shall include proposed expenditures for both current operations and capital projects during the ensuing year, detailed by agency, department, committee, purpose, and position, together with proposed financing methods; and the proposed budget shall include estimated surplus revenue and free cash available at the close of the fiscal year, including estimated balances in special accounts. The town may, by by-law, establish additional financial information and reports to be provided by the town manager.

(2) The town manager shall report on 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 such amount.

(3) The calendar dates on or before which the proposed budget, revenue statement, and tax rate estimate are to be submitted to the board of selectmen, and the budget presented by the town manager to the finance committee and the fiscal advisory committee, as required by subsection I of section two, shall be as specified by by-law.

(4) To assist the town manager in preparing the proposed annual budget of revenue and expenditures, all boards, officers, and committees of the town, including the school committee, shall furnish all relevant information in their possession and submit to the town manager, in writing, a detailed estimate of the appropriations required and available funds.

(5) The town manager shall submit annually to the board of selectmen and the finance committee and the fiscal advisory committee a five year capital improvements program to include: (a) a list of all capital improvements proposed to be undertaken during the next five years, together with supporting data; (b) cost estimates, methods of financing, and recommended time schedule; and (c) the estimated annual cost of operating and maintaining any facility to be constructed or acquired. A capital improvement shall be defined by by-law.

C. In addition to specific powers and duties provided in this act, the town manager shall have the powers and duties enumerated in this section:

(1) The town manager shall be responsible for coordination of operational and strategic planning for the town.

(2) The town manager shall supervise all town departments under the jurisdiction of the selectmen and direct the operations of the town.

(3) The town manager shall have the power to appoint, on the basis of merit and fitness; and, except as otherwise may be provided by civil service regulations, the personnel by-law, or tenure of office provisions may remove: the town accountant, town collector-treasurer, fire chief, police chief, director of public works, building inspector officer, all inspectors except as otherwise provided by General Law, harbormaster, shellfish warden, recreation director, director of veterans service and agent, director of civil defense, zoning enforcement officer, animal control officer, and any other positions as designated by town meeting. The town manager shall hold the aforementioned department heads responsible for the proper staffing of their departments.

(4) All appointments and removals by the town manager shall be subject to ratification by the board of selectmen which shall act upon each appointment and removal within fifteen days following notification thereof. Failure of the board to act within the fifteen day period shall constitute assent.

(5) The town manager, subject to any applicable provisions of the General Laws relating thereto, may assume, temporarily, the duties of any office which the manager is authorized to fill by appointment.

(6) The town manager shall have the power to appoint and remove other employees as authorized by General Law, by-law, or town meeting vote and for whom appointment is not otherwise provided.

(7) The town manager is responsible for administration of the personnel plan including personnel evaluation policies, practices, enforcement of labor contracts, labor relations, collective bargaining and state and federal equal opportunity law compliance functions of the town.

(8) The town manager shall keep full and complete records of the

office and annually submit to the selectmen, unless requested to do so more frequently, a full written report of the operations of the office of town manager. The town manager may also prepare reports to boards and committees and for town meeting.

(9) The town manager shall advise the selectmen of all matters requiring action by them or the town.

(10) The town manager shall attend all meetings of the board of selectmen and all town meetings and shall be permitted to speak when recognized by the moderator.

(11) The town manager shall act as central purchasing agent for all town departments and activities, except those under the jurisdiction of the school committee and board of library trustees, unless requested by either agency.

(12) The town manager shall manage and be responsible for all town buildings, property and facilities, except those under the jurisdiction of the school committee and the board of library trustees, unless requested by either agency.

(13) The town manager shall be responsible for the negotiation of all contracts, which are subject to execution by the board of selectmen.

(14) 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 board of selectmen.

(15) The town manager shall oversee the activities of the town counsel under the direction of the board of selectmen.

(16) The town manager shall receive and address citizens complaints and problems.

(17) The town manager shall be responsible for the management of the town insurance program.

(18) The town manager shall represent the town at local, state and regional meetings and undertake public relations activities under the direction of the board of selectmen.

(19) The town manager shall perform such other duties consistent with the office, as may be required of the manager by by-law or by vote of the board of selectmen or town meeting.

D. The town manager shall have access to all municipal books, papers and documents or information necessary for the proper performance of the duties of the town manager. The town manager may, without notice, cause the affairs of any division or department under the manager's supervision or the job-related conduct of any officer or employee thereof to be examined.

**SECTION 4. A.** All laws, special acts, by-laws, rules, regulations, and votes of town meeting in force 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 amended or repealed.

**B.** The position of executive assistant to the board of selectmen shall be terminated upon assumption of office by the town manager.

---

**ACTS, 1987. – Chaps. 354, 355.**

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

Approved August 11, 1987.

---

**Chapter 354. AN ACT REQUIRING INSURANCE COVERAGE FOR PLUMBING AND GAS FITTING CONTRACTORS.**

Be it enacted, etc., as follows:

Chapter 142 of the General Laws is hereby amended by inserting after section 21 the following section:-

Section 21A. Notwithstanding the provisions of any general or special law to the contrary, no permit for the performance of plumbing and gas fitting work pursuant to this chapter shall be issued by any city or town unless the licensee provides proof of liability insurance, including "completed operation" coverage, which has been issued by an insurance company licensed to do business within the commonwealth, or a bond or other type of indemnity against liability providing substantially equivalent coverage.

Approved August 11, 1987.

---

**Chapter 355. AN ACT RELATIVE TO VOTING DATE AT TOWN MEETING IN TOWN OF ARLINGTON.**

Be it enacted, etc., as follows:

Chapter 503 of the acts of 1952 is hereby amended by striking out section 1, as most recently amended by chapter 394 of the acts of 1964, and inserting in place thereof the following section:-

Section 1. Upon the acceptance of this act by the town of Arlington, as hereinafter provided, beginning with the year following its adoption, the regular town election of said town for the purpose of electing town officers including town meeting members, in accordance with the provisions of this act, and for the submission of questions to the voters of the town, if required to be submitted thereat, shall be held annually on the first Saturday in March, unless otherwise established by the town by-laws, and shall be considered part of the annual town meeting held in that year. All articles in the warrant for any regular town meeting to be acted upon and determined otherwise than by ballot shall be considered at a town meeting to be held annually on the third Monday of March at eight o'clock in the evening, unless otherwise established by the town by-laws.

Approved August 11, 1987.

**Chapter 356. AN ACT RELATIVE TO PLUMBING AND GAS FITTING REGULATIONS.**

Be it enacted, etc., as follows:

Chapter 142 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 examiners shall formulate rules relative to the construction, alteration, repair and inspection of all plumbing and gas fitting work in buildings owned, used and constructed by the commonwealth and in buildings owned, used and constructed by the University of Massachusetts Building Authority, Massachusetts Turnpike Authority, Massachusetts Bay Transportation Authority, Massachusetts Port Authority, Metropolitan district commission and the government center commission, subject to the approval of the department of public health, and all plans for plumbing and gas fitting in such buildings shall be subject to the approval of the examiners.

Approved August 11, 1987.

---

**Chapter 357. AN ACT RELATIVE TO THE USE OF EXECUTIONS IN SUMMARY PROCESS CASES.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 235 of the General Laws is hereby amended by striking out section 23, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 23. Original executions issuing on judgments against executors, administrators, trustees and other fiduciary officers in their representative capacity, including any such original execution running against two or more parties, any one or more of whom are fiduciary officers as aforesaid in their representative capacity, or against sheriffs under section ten of chapter thirty-seven, or on special judgments entered under section twenty-four, shall be made returnable within sixty days after the date of the execution. Except as hereinafter provided, in all other cases, original executions shall be made returnable within twenty years after the date of the judgment.

Executions for possession of premises rented or leased for dwelling purposes obtained in actions pursuant to chapter two hundred and thirty-nine shall not be issued later than three months following the date of judgment, except that any period during which execution was stayed by order of the court or by an agreement of the parties filed with the court shall be excluded from the computation of the period of limitation. Such executions shall be made returnable within three months after the date of issuance and shall state the date of issuance



and the return date. No sheriff, constable, officer, or other person shall serve or levy upon any such execution for possession later than three months following the date of the issuance of the execution.

**SECTION 2.** Section 3 of chapter 239 of the General Laws, as so appearing, is hereby amended by inserting after the first paragraph the following four paragraphs:-

At least forty-eight hours prior to serving or levying upon an execution issued on a judgment for the plaintiff for possession of land or tenements rented or leased for dwelling purposes, the officer serving or levying upon the execution shall give the defendant written notice that at a specified date and time he will serve or levy upon the execution and that at that time he will physically remove the defendant and his personal possessions from the premises if the defendant has not prior to that time vacated the premises voluntarily.

Said notice shall contain the signature, full name, full business address and business telephone number of the officer, and the name of the court and the docket number of the action, and shall be served in the same manner as the summary process summons and complaint.

No execution for possession of premises rented or leased for dwelling purposes shall be served or levied upon after five o'clock p.m. or before nine o'clock a.m., nor on a Saturday, Sunday, or legal holiday.

If the underlying money judgment in any summary process action for non-payment of rent in premises rented or leased for dwelling purposes has been fully satisfied, together with any use and occupancy accruing since the date of judgment, the plaintiff shall be barred from levying on any execution for possession that has issued and shall return the execution to the court fully satisfied. If no execution has issued, the plaintiff shall notify the court of the satisfaction of judgment and no execution shall issue thereafter. If the underlying money judgment has been fully satisfied and use and occupancy fully paid, the defendant shall be considered a lawful tenant and may enforce this right through judicial process, including injunctions barring the issuance of or levying upon the execution and motions to supersede or recall the execution. Notwithstanding this paragraph, the plaintiff shall not be required to accept full satisfaction of the money judgment. Any refusal by the plaintiff to accept full satisfaction of the money judgment under this paragraph shall not be a bar to the enforcement of said judgment in any lawful manner.

**SECTION 3.** Section 10 of said chapter 239, as so appearing, is hereby amended by adding the following paragraph:-

In any action to recover possession of premises occupied for dwelling purposes brought pursuant to this chapter in which a stay or stays of execution have been granted, by the court or by agreement of the parties, or in any such action where there is an agreement for judgment that grants the tenant a right to reinstate the tenancy, no execution shall issue prior to the expiration of the period of such stay or stays or such reinstatement period unless the plaintiff shall first bring a motion

---

**ACTS, 1987. – Chap. 358.**

for the issuance of the execution and the court after a hearing shall determine that the tenant or occupant is in substantial violation of a material term or condition of the stay or a material term of the agreement for judgment.

Approved August 11, 1987.

---

**Chapter 358. AN ACT PROVIDING GROUP INSURANCE BENEFITS FOR CERTAIN EMPLOYEES IN THE CITY KNOWN AS THE TOWN OF METHUEN.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of chapter thirty-two B of the General Laws, relative to employees included in Local 122 of the Federation of State, City and Town Employees, or retired employees previously so included, the city known as the Town of Methuen may, as part of the total monthly cost of contracts of insurance, authorized by sections three and eleven C of said chapter thirty-two B with contributions as required by section seven thereof, make payment of a subsidiary or additional rate, which may be lower or higher than a premium determined by said city to be paid by the insured, the combination of which shall result in such city making payment of more, but not less, than fifty per cent of the total monthly cost for such insurance for said employees.

(a) With respect to any period of insurance which is in effect for such active or retired employee and dependent, there shall be withheld from each payment of salary, wages, other compensation, pension or retirement allowance, subject to the provisions of section nine E of said chapter thirty-two B fifty per cent of a premium for the insurance of the employee and his dependent and said city shall contribute the remaining fifty per cent of such premium together with any subsidiary or additional rate. Said city shall also contribute fifty per cent of a premium together with any subsidiary or additional rate which may be required of an employee's dependent child who is nineteen years of age or over and mentally or physically incapable of earning his own living.

(b) If such active or retired employee is entitled to receive, during a calendar month, salary, wages, other compensation, pension or retirement allowance, and the premium has not been withheld from said salary, wages, other compensation, pension or retirement allowance, he may continue his insurance in effect by paying directly to the city the premium which would otherwise have been deducted from his salary or pension and the city shall contribute the remaining fifty per cent of the premium together with any subsidiary or additional rate. If an employee is not entitled to receive salary, wages, or other compensation for a calendar month, for purposes of this act he shall be deemed to have been granted a leave of absence without pay, and he shall make payment for the entire cost of his insurance to said city as aforesaid, and there shall be no contribution by the city for such employee's insurance. If an

employee is not entitled to receive salary, wages or other compensation for any calendar month, due to illness of such employee and not because of illness of his immediate family, for purposes of this act he shall be deemed to have been granted sick leave without pay, and subject to the rules and regulations of the appropriate public authority, said employee shall make payment of fifty per cent of the premium for his insurance to the treasurer of said city and said city shall contribute the remaining fifty per cent of such premium together with any subsidiary or additional rate.

(c) All amounts withheld from an employee's salary, wages or other compensation as provided in subsection (a) and all amounts paid by an employee as provided in subsection (b) and all amounts withheld from retired employees as retirement allowances under the provisions of section nineteen A of chapter thirty-two of the General Laws together with the contribution of the city as provided in subsection (a) shall be paid by the treasurer of said city to the carrier or carriers entitled to the total premium and subsidiary or additional rate, if any.

Approved August 11, 1987.

---

**Chapter 359. AN ACT AUTHORIZING BARNSTABLE COUNTY TO BORROW MONEY FOR IMPROVEMENTS TO THE BARNSTABLE COUNTY HOSPITAL 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 six hundred thousand dollars to make certain capital improvements to the Barnstable county hospital buildings as they deem necessary and proper including plans and specifications in connection therewith. 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 the advisory board on county expenditures in said county, may borrow upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, six hundred thousand dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words, Barnstable County Hospital Buildings, Act of 1987. 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. Said county may sell the said securities at public or private sale, upon such terms and conditions as

---

**ACTS, 1987. - Chaps. 360, 361.**

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 said 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 August 27, 1987.

---

**Chapter 360. AN ACT RELATIVE TO THE EFFECTIVE DATE OF APPOINTMENT OF CERTAIN POLICE OFFICERS IN THE TOWN OF CHELMSFORD.**

Be it enacted, etc., as follows:

**SECTION 1.** For the purpose of correcting an error in the certification of the following persons as police officers in the town of Chelmsford, such persons shall be deemed to have been appointed on the following dates:-

Peter C. McGeown	July 7, 1983
James F. Murphy	July 8, 1983
Brian F. Mullen	July 10, 1983
Paul E. Cooper	July 11, 1983
Paul Richardson	April 1, 1985
Francis Teehan	April 2, 1985
Alan Cote	April 3, 1985
Scott Ubele	April 4, 1985
Martin Krikorian	April 6, 1985
Debra Metcalf	April 7, 1985
Gail Mullen	April 8, 1985

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

Approved August 27, 1987.

---

**Chapter 361. AN ACT AUTHORIZING THE TOWN OF BROOKLINE TO ABATE AND REFUND CERTAIN PROPERTY TAXES.**

---

**ACTS, 1987. – Chaps. 362, 363.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding any general or special law to the contrary, the town of Brookline, acting through its board of assessors, is hereby authorized to abate real estate taxes assessed in the name of the Greek Orthodox Archdiocese in the amount of two thousand five hundred and six dollars and one cent in fiscal nineteen hundred and eighty-three, four thousand twenty-six dollars and nineteen cents in fiscal nineteen hundred and eighty-four, four thousand four hundred and fifty dollars and sixteen cents in fiscal nineteen hundred and eighty-five, and four thousand five hundred and seventy-four dollars and sixty-four cents in fiscal nineteen hundred and eighty-six and to refund to said Greek Orthodox Archdiocese the sum of seven thousand six hundred and thirty-one dollars and eighty-seven cents.

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

Approved August 27, 1987.

---

**Chapter 362. AN ACT AUTHORIZING THE CITY OF SALEM TO CHANGE CERTAIN PRECINCT BOUNDARIES.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of section two of chapter fifty-four of the General Laws, the city of Salem is hereby authorized to change the boundaries between Precincts 1 and 2 of Ward 1, and between Precincts 1 and 2 of Ward 3. The new division shall take effect upon the approval by the local election districts review commission.

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

Approved August 27, 1987.

---

**Chapter 363. AN ACT PROVIDING COVERAGE FOR CERTAIN MEDICAL PREVENTIVE SCREENING TESTS.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 175 of the General Laws is hereby amended by inserting after section 47F the following section:–

Section 47G. Any blanket or general policy of insurance described in subdivision (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 within which this premium 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 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 within which this provision is effective, or any employers' health and welfare fund which provides hospital expense and surgical expense benefits and which is issued or renewed to any person or group of persons in the commonwealth, during the period within which this provision is effective, shall provide benefits for the expense of residents of the commonwealth covered under any such policy or plan for the expense of cytologic screening and mammographic examination. Said benefits shall be at least equal to the following minimum requirements: (a) in the case of benefits for cytologic screening, said benefits shall provide for an annual cytologic screening for women eighteen years of age and older; and (b), in the case of benefits for mammographic examination said benefits shall provide for a baseline mammogram for women between the ages of thirty-five and forty and for a mammogram on an annual basis for woman forty years of age and older.

**SECTION 2.** Section 110 of said chapter 175 is hereby amended by adding after subdivision (K), inserted by section 1 of chapter 618 of the acts of 1986, the following subdivision:-

(L) Any blanket or general policy of insurance described in subdivision (A), (C) or (D) of this section, which is delivered or issued for delivery within or without the commonwealth and which covers residents of the commonwealth and any employees health and welfare fund which is promulgated or renewed to any person or group of persons in the commonwealth shall provide benefits for expense of cytologic screening and mammographic examinations which are at least equal to the following minimum requirements: (a) in the case of benefits for cytologic screening, said benefit shall provide for an annual cytologic screening for women eighteen years of age and older; and (b), in the case of benefits for mammographic examination, said benefits shall provide for a baseline mammogram for women between the ages of thirty-five and forty and for a mammogram on an annual basis for women forty years of age and older.

**SECTION 3.** Chapter 176A of the General Laws is hereby amended by inserting after section 8I the following section:-

Section 8J. Any contract, except contracts providing supplemental coverage to medicare or other governmental programs, between a subscriber and the corporation under an individual group hospital service plan which shall be delivered, 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 cytologic screening and mammographic examination. Said benefits shall be at least equal to the following minimum requirements: (a) in the case of benefits for cytologic screening, said benefits shall provide for an annual cytologic screening for women eighteen years of age; and (b), in

---

**ACTS, 1987. – Chap. 364.**

the case of benefits for mammographic examination, said benefits shall provide for a baseline mammogram for women between the ages of thirty-five and forty and for a mammogram on an annual basis for women forty years of age and older.

**SECTION 4.** Chapter 176B of the General Laws is hereby amended by adding the following section:–

Section 4G. 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 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 of cytologic screening and mammographic examination. Said benefits shall be at least equal to the following minimum requirement: (a) in the case of benefits for cytologic screening, said benefits shall provide for an annual cytologic screening for women 18 years of age and older; and (b), in the case of benefits for mammographic examination said benefits shall provide for a baseline mammogram for women between the ages of thirty-five and forty and for mammogram on an annual basis for women forty years of age and older.

**SECTION 5.** Section 4 of chapter 176G of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following sentence:– Such health maintenance contract shall also provide coverage for cytologic screening and mammographic examination as set forth in section forty-seven G of chapter one hundred and seventy-five.

Approved August 27, 1987.

---

**Chapter 364. AN ACT AUTHORIZING THE OLD ROCHESTER REGIONAL SCHOOL DISTRICT TO EXPEND CERTAIN FUNDS.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding any provision of the law to the contrary, in the event that the annual regional school district budget for the Old Rochester Regional School District has not been approved by its member towns under section sixteen B of chapter seventy-one of the General Laws before July first, nineteen hundred and eighty-seven, the treasurer of each town shall pay to the treasurer of Old Rochester Regional School District, on or before July fifteenth, nineteen hundred and eighty-seven and on or before the fifteenth day of each succeeding month until said budget has been so approved, but in no case beyond November fifteenth, nineteen hundred and eighty-seven, a sum equal to one-twelfth of the

---

**ACTS, 1987. – Chaps. 365, 366.**

total amount apportioned and certified to such town for the preceding fiscal year.

The treasurer of said district is hereby authorized to expend the funds so paid by each member town and in addition thereto, available funds, state receipts and any other funds received for the operation of said District.

Upon approval by the member towns of the annual regional school district budget for the fiscal year nineteen hundred and eighty-eight, the treasurer of the Old Rochester Regional School District shall deduct from the amounts so certified or recertified to each member municipality, all amounts previously paid to the district on account of said fiscal year nineteen hundred and eighty-eight and the balance payable by each such town for said fiscal year shall be paid to the District in accordance with the terms of the regional school district agreement.

**SECTION 2.** This act shall take effect as of July first, nineteen hundred and eighty-seven. All sums required by section one to be paid to the Old Rochester Regional School District by its member towns prior to the approval of this act shall be paid to said District no later than fifteen days following such approval.

Approved August 27, 1987.

---

**Chapter 365. AN ACT DESIGNATING A CERTAIN CORRECTIONAL INSTITUTION AS THE MASSACHUSETTS CORRECTIONAL INSTITUTION, LANCASTER/SHIRLEY.**

Be it enacted, etc., as follows:

Notwithstanding any general or special law, rule or regulation to the contrary, the facility known as the Industrial School for Boys at Shirley shall be designated and known as the Massachusetts Correctional Institution, Lancaster/Shirley and shall be under the care, custody and control of the department of corrections.

Approved August 27, 1987.

---

**Chapter 366. AN ACT ESTABLISHING THE OFFICE OF TREASURER-COLLECTOR IN THE TOWN OF GRAFTON.**

Be it enacted, etc., as follows:

**SECTION 1.** The charter of the town of Grafton, a certified copy of which is in the custody 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 8-5 (k) and inserting in place



---

**ACTS, 1987. – Chaps. 367, 368.**

thereof the following section: –

8–5 (k) The offices of town treasurer and town collector shall be combined into a single office to be appointed by the town administrator. The terms of office of the persons serving as town treasurer and as town collector shall be terminated upon appointment of a treasurer-collector. Nothing in this section shall be construed to prevent either of said persons from being a candidate for appointment or being appointed treasurer-collector. This section shall be effective as of July first, nineteen hundred and eighty-seven.

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

Approved August 31, 1987.

---

**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 W. James O'Neill, as he is a judge of the district court department of the trial court of the commonwealth, in the town of Barnstable on September seventh, nineteen hundred and eighty-seven between Cathy A. Quinn of the town of Barnstable and Charles M. Sabatt of the town of Barnstable, and the state secretary shall issue to said W. James O'Neill in his capacity as aforesaid a certificate of such authorization.

Approved September 3, 1987.

---

**Chapter 368. AN ACT RELATIVE TO TUITION RATES IN PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE COMMONWEALTH.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for certain tuition rates in public institutions of higher education 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.** Chapter 15A of the General Laws is hereby amended by striking out section 5A, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 5A. The board of regents of higher education shall fix a rate of tuition and charge all students enrolled in public institutions of higher education who are not residents of the commonwealth, who cannot become residents thereof such as non-resident aliens lawfully admitted for the purposes of attending an institution of higher education in the United States under the immigration laws thereof or who have indicated by an affirmative act on their part expressing an intention not to reside in the commonwealth in the future, said rate of tuition which shall be based upon true education costs at such institutions, which costs shall include, but not be limited to the cost of instruction, the cost of operating, equipping and maintaining the physical plant, the full and actual library costs, the costs of administration, the costs of operating student services and programs of financial assistance, all revenues from trust funds and related day school operations, grant funds, reserves from continuing education funds and student activities and graduation fees.

Said rate of tuition shall not be interpreted or implemented by the board as full time equivalency status or any other such policy or plan, or portion thereof, contravening the express purposes of said differential tuition. The board shall charge said rate of tuition to said students notwithstanding any other provision of any other tuition plan or policy adopted by the board, provided however, that said students shall be eligible for the board's talent tuition waiver program upon demonstration of financial need, as long as no more than fifty per cent of the total value of waivers allocated to each campus under the program may be awarded to nonresident students, and as long as the total dollar value of the program does not exceed one per cent of the tuition revenue of each campus. The board may, however, notwithstanding the foregoing, make reasonable exemptions and charges for any alien student whose immediate family lawfully resides in the commonwealth, or for any student who is a full time graduate student, or when reciprocal agreements exist between commonwealth supported schools and foreign schools of higher education.

**SECTION 2.** Section twenty-seven of chapter three hundred and three of the acts of nineteen hundred and eighty-seven is hereby repealed.

**SECTION 3.** The provisions of section one of this act shall not apply to any student enrolled in any public institution of higher education in the commonwealth prior to October first, nineteen hundred and eighty-seven.

Approved September 8, 1987.

**Chapter 369. AN ACT AUTHORIZING REGIONAL DISTRICT SCHOOL COMMITTEES TO AMEND AGREEMENTS TO PERMIT THE PROPORTIONAL ASSESSMENT OF MEMBER COMMUNITIES FOR INCREASES IN ANNUAL NET ASSESSMENTS FOR OPERATIONAL EXPENSES.**

Be it enacted, etc., as follows:

Notwithstanding any agreement as it pertains to the annual apportionment of normal operating expenditures, a regional district school committee may, with the approval of two-thirds of the appropriating authorities of the member cities and towns, amend its agreement for the purpose of distributing such annual apportionment among its member cities and towns in the following manner:-

(a) The apportionment among member cities and towns for normal operating expenditures in place at the time of the amendment shall constitute each member city or town's base of apportionment. Each subsequent year, each member city or town's annual apportionment increase or decrease as provided in clause (b) shall be added to or subtracted from each such member city or town's base of apportionment.

(b) Each member city or town's annual net apportionment increase or decrease, for normal operating expenditures, shall be equal to each such member's percentage of total, member city or town, student participation as of October first of the immediately preceding fiscal year, multiplied by the increase or decrease of the regional school district's total net apportionment for normal operating expenditures, provided, however, that such student participation shall not be less than current enrollment minimums specified by such district's current agreement.

(c) For the purposes of this act, normal operating expenditures shall not include capital or other expenses not presently included in the regional school district's gross operating budget.

(d) The increase or decrease of a regional school district's total net apportionment for operating expenditures shall be equal to the total net apportionment for operating expenditures in the fiscal year immediately preceding the fiscal year of amendment, less the total net apportionment for operating expenditures in the fiscal year of amendment.

Approved September 9, 1987.

---

**Chapter 370. AN ACT RELATIVE TO CERTAIN AUTOMOBILE INSURANCE PAYMENTS.**

Be it enacted, etc., as follows:

Chapter 189 of the acts of 1987 is hereby amended by adding the following section:-

Section 2. This act shall take effect on July first, nineteen hundred

and eighty-eight.

Approved September 30, 1987.  
EMERGENCY LETTER: September 30, 1987 @ 4:07 P.M.

---

**Chapter 371. AN ACT AUTHORIZING CERTAIN ACTIONS BY THE  
CITY OF BOSTON TO MITIGATE THE EFFECTS OF  
NEW LARGE-SCALE COMMERCIAL REAL ESTATE  
DEVELOPMENT (LINKAGE).**

Be it enacted, etc., as follows:

**SECTION 1. Preamble** Whereas, the general court finds and declares that a serious public emergency exists in the city of Boston with respect to housing and employment of a substantial number of the citizens of said city, as hereafter described; and

Whereas, due to its concentrated population, its intense land use by business, educational, governmental, and religious entities, its role as the center of commerce and finance in New England, and its geographic layout, the city of Boston is unique in the commonwealth; and

Whereas, there is not an adequate supply of affordable housing for low and moderate income residents of said city; and

Whereas, the development and construction of large-scale commercial real estate projects, without the obligation to mitigate their adverse impact on the availability of such affordable housing, is contrary to the public health, safety, convenience and welfare; and

Whereas, there is an urgent need to supply affordable housing for low and moderate income residents of said city in conjunction with the development and construction of new large-scale commercial real estate projects; and

Whereas, the development and construction of new large-scale commercial real estate projects in said city influences land use patterns and can directly and indirectly eliminate existing businesses; and

Whereas, new large-scale commercial real estate developments influence employment opportunities for low and moderate income residents and tend to reduce the number of jobs for which low and moderate income residents of said city are qualified; and

Whereas, new large-scale commercial real estate developments change the character of surrounding areas and, to the extent that such developments create jobs, they create jobs for which low and moderate income residents of said city are not qualified without additional job training; and

Whereas, the development and construction of new large-scale commercial real estate projects, without the obligation to mitigate their adverse impact on the availability of jobs for which low and moderate income residents of said city are qualified, is contrary to the public health, safety, convenience and welfare; and

Whereas, there is an urgent need to provide job training to low and

moderate income residents of said city in conjunction with the development and construction of new large-scale commercial real estate projects; and

Whereas, the foregoing findings are based upon a consideration of city of Boston housing trends, production statistics for new dwellings and housing vacancy rates for affordable housing for low and moderate income residents, as well as a consideration of employment trends, unemployment rates, and statistics on job training programs; and

Whereas, it is hereby determined that: (1) prior to the effective date of this act, developers of new large-scale commercial real estate developments, have relied reasonably and in good faith on the applicability to their developments of article 26, article 26A and article 26B of the city of Boston zoning code; (2) the approval, grant, or enactment of all zoning code amendments, zoning map amendments, zoning variances, conditional use permits, and zoning exceptions requested by any new large-scale commercial real estate developments, is an act of independent legal significance governed by the provisions of the city of Boston zoning code; (3) prior to the effective date of this act, owners and financiers of new large-scale commercial real estate developments, relying reasonably and in good faith on the validity of zoning code amendments, zoning map amendments, zoning variances, conditional use permits, and zoning exceptions approved, have invested a substantial amount of funds and time in such projects; (4) the agreements to make development impact project exactions, development impact project contributions and jobs contribution grants entered into prior to the effective date of this act provide revenues to meet a public exigency for the provision of affordable housing and job training for low and moderate income residents of the city of Boston; and (5) there is an urgent need to provide the public with certainty (i) that the funds, time and jobs invested in and dependent upon development impact projects are secure; (ii) that the zoning code amendments, zoning map amendments, zoning variances, conditional use permits, and zoning exceptions upon which such development impact projects depend are secure; and (iii) that the development impact project exactions, development impact project contributions and jobs contribution grants agreed to be made by development impact projects are available for the provision of job training and affordable housing for low and moderate income residents of said city; now

THEREFORE, this act is declared to be in the public interest and necessary for the public health, safety and general welfare of the citizens of the city of Boston.

**SECTION 2.** Chapter 665 of the acts of 1956, as amended by section 2 of chapter 669 of the acts of 1974, is hereby further amended by inserting after section 10 the following section:-

**Section 10A.** Any persons aggrieved by a decision of the zoning commission approving a zoning map amendment or a zoning regulation or amendment thereof, or by any procedural defect therein, or any municipal board or officer, may appeal such decision to the superior

court in the county of Suffolk or to the land court; provided, however, that such appeal is filed in said court within thirty days after such decision became effective in accordance with the provisions of section three. Upon an appeal pursuant to this section, the court shall hear all pertinent evidence and determine the facts, and, upon the facts as so determined, annul such action if found to exceed the authority of such commission, or make such other decree as justice and equity may require. The foregoing remedy shall be exclusive; but the parties shall have all rights of appeal and exception as in other equity cases.

Costs shall not be allowed against said zoning commission unless the court finds that the commission acted with gross negligence, in bad faith or with malice; and costs shall not be allowed against the party appealing from the action of the commission unless the court finds that said party acted in bad faith or with malice in appealing to the court.

Appeals to the superior court under this section shall have precedence over all other civil actions and proceedings.

**SECTION 3.** Said chapter 665, as so amended, is hereby further amended by adding the following six sections:-

Section 15. When used in sections fifteen through twenty, inclusive, terms, not otherwise defined, shall be defined in accordance with the definitions contained in the city of Boston zoning code in effect on the date of enactment hereof, unless the context requires otherwise and the following terms shall, unless the context requires otherwise, have the following meanings:-

"Affordable housing", a unit or units of housing, whether rental, condominium or cooperative, or a single or multi-family owner occupied home exclusively, for low and moderate income residents (i) for which the occupancy cost to the residents thereof does not exceed such percentage of the income of the occupant household as may be established from time to time for low and moderate income residents in the Boston area by the United States department of housing and urban development, as the maximum total tenant payment pursuant to section eight of the United States housing act of nineteen hundred and thirty-seven, as amended by the housing and community development act of nineteen hundred and seventy-four and as further amended from time to time, and regulations promulgated pursuant thereto, or (ii), as otherwise defined by the zoning commission through its adoption of the definition of any state or federal agency, authority, department or similar instrumentality providing financial assistance to reduce the occupancy cost of housing to low and moderate income residents.

"Affordable housing exaction", a contribution towards the creation of affordable housing by a developer whether in kind, or by the payment of a sum of money in lieu thereof by said developer to the neighborhood housing trust; or a combination of such creation and monetary payment; all made in accordance with regulations promulgated by the Boston zoning commission.

"Combined index", an index which measures the increase in price levels by combining in equal proportions the consumer price index for all

urban consumers or "CPI-U" with a 1967 index of 100 and the housing component of said CPI-U for the Boston metropolitan area, as these indices are published from time to time by the bureau of labor statistics, United States department of labor.

"CPI-W", an index now known as the consumer price index for urban wage earners and clerical workers, all items, for the Boston metropolitan area with a 1967 index of 100 as published from time to time by the bureau of labor statistics, United States department of labor.

"Developer", the person or entity seeking to create one or more new large-scale commercial real estate developments in the city of Boston.

"Employment exaction", a contribution by a developer towards the creation of a job training program or programs whether by the creation of such program or the payment of a sum of money in lieu thereof by said developer to the neighborhood jobs trust; or a combination of such creation and monetary payment; all made in accordance with regulations promulgated by the Boston zoning commission.

"Job training programs", programs designed to enhance the ability of the participants to be qualified to successfully compete for employment opportunities including, without limitation, job training, adult literacy training, employment counseling and associated support services.

"Low and moderate income resident", a resident, or group of residents all of whom occupy the same dwelling unit as their principal residence, whose total income (i) is no greater than the per cent of the median income for the Boston area set forth in or determined based upon regulations and definitions promulgated from time to time by the United States department of housing and urban development pursuant to section eight of the housing act of nineteen hundred and thirty-seven, as amended by the housing and community development act of nineteen hundred and seventy-four and as further amended from time to time, for lower income families or very low income families as defined in such regulations, or any combination thereof as determined by the zoning commission or (ii) is otherwise defined by the Boston zoning commission through its adoption of the definition of any state or federal agency, authority, department or similar instrumentality providing financing, subsidy or other financial assistance to reduce the occupancy cost of housing to low and moderate income residents.

"Neighborhood housing trust", a Massachusetts public charitable trust created under the authority of this act and the laws of the commonwealth and administered by the collector-treasurer of the city as managing trustee pursuant to chapter seven of the ordinance of the city of Boston of nineteen hundred and eighty-six and pursuant to a declaration of trust dated November nineteenth, nineteen hundred and eighty-five.

"Neighborhood jobs trust", a Massachusetts public charitable trust created under the authority of this act and the laws of the commonwealth and administered by the collector-treasurer of the city as managing trustee.

"New large-scale commercial real estate development", any development in the city of Boston in which development it is proposed to

erect a building or structure having a gross floor area, exclusive in both cases of all accessory parking garage space, in excess of one hundred thousand square feet, or to enlarge or extend a building or structure so as to increase its gross floor area, exclusive of all accessory parking garage space in both cases, to more than one hundred thousand square feet or to substantially rehabilitate a building or structure or portion thereof having, or to have, after rehabilitation, a gross floor area, exclusive of all accessory parking garage space in both cases, of more than one hundred thousand square feet which square footage is intended for one or more of the following "exaction" uses: (1) office, (2) retail business or service, (3) institutional or educational, (4) hotel or motel, but not including an apartment hotel or lodging house.

"Substantially rehabilitated", to cause alterations or repairs to be made to a building or structure, constituting the new large-scale commercial real estate development, within any period of twelve months, costing in excess of fifty per cent of the assessed value of the building or structure as it appears on the assessment rolls of the city as of the first day of January preceding the date of application for the zoning relief to authorize such alterations or repairs, including, without limitation, conditional use permits, exceptions, zoning map or text amendments or variances, or the date of application for the building permit for such alterations or repairs, whichever is earlier.

Section 16. Notwithstanding the provisions of any general or special law or rule to the contrary, in the city of Boston the zoning commission is hereby authorized to adopt zoning regulations or amendments thereto for the purpose of mitigating the effects of any new large-scale commercial real estate development on the health and welfare of low and moderate income residents of Boston due to the unavailability of affordable housing in the city of Boston. Such regulations shall provide that, with respect to a new large-scale commercial real estate development, any relief granted under the provisions of the zoning code, existing or as amended, including without limitation the granting of a conditional use permit, exception, zoning map or text amendment or variance, shall be conditioned upon action, or promised action, by the developer seeking to obtain such relief to contribute an affordable housing exaction, to mitigate the effects which the new large-scale commercial real estate development project may have upon the availability of affordable housing within the city, which action shall be, the contribution towards the creation of affordable housing as determined by the zoning commission pursuant to duly adopted regulation. Affordable housing may be a portion of a housing development which includes residents of mixed income levels.

If the developer chooses to contribute towards the creation of housing in kind, in lieu of making the affordable housing exaction money payments provided for in this section, such affordable housing contribution shall be created in accordance with regulations adopted by the zoning commission which is hereby authorized to delegate to the Boston redevelopment authority hereinafter referred to as BRA, the authority to adopt such housing creation regulations. Such regulations



may authorize such contribution by the actual creation of affordable housing, or by the economic participation in such creation, including without limitation, the making of loans, contribution of capital to partnerships, limited partnerships, or joint ventures, or the assignment of the developers' contractual obligations to make the money payments provided for in this section. The economic benefit, if any, of the right to any repayment of such economic participation shall be redirected by the developer, pursuant to the provisions of the housing creation regulations, or, in the absence of such redirection, to the neighborhood housing trust.

The zoning commission shall determine by regulation that the value of the affordable housing exaction shall be measured on the basis of dollars per square foot devoted to exaction uses in excess of one hundred thousand square feet of gross floor area devoted to exaction uses, exclusive in both cases of all accessory parking garage space, in the new large-scale commercial real estate development project. The developer of any new large-scale commercial real estate development project, in lieu of contributing towards the creation of affordable housing referred to in the preceding paragraph, may make a payment or payments of an amount of money equal to the measured value of the affordable housing exaction to the neighborhood housing trust authorized by section twenty over a payment period to be established by regulation of the zoning commission, for the purpose of mitigating the impact of new large-scale commercial real estate developments.

Such regulations shall provide that the measured value of the affordable housing exaction shall be determined on the basis of a fixed dollar amount per square foot of gross floor area devoted to exaction uses in excess of one hundred thousand square feet of gross floor area devoted to exaction uses, exclusive in both cases of all accessory parking garage space, of the new large-scale commercial real estate development, as determined by the zoning commission upon written recommendations of the BRA, which recommendations shall include an analysis of the following: (1) economic trends, such as real estate development activity, commercial rents per square foot, employment growth and inflation rates; (2) housing trends measured in terms of vacancy rates for affordable housing available to low and moderate income residents, and production statistics for new dwelling units; and (3) any other such information which the BRA deems appropriate for consideration; provided, however, that the zoning commission shall be authorized to decrease the measured value of the above affordable housing exaction at any time upon consideration of the factors above; provided further, that the zoning commission shall not be authorized to set the measured value of the above affordable housing exaction at more than five dollars per square foot of gross floor area devoted to exaction uses in excess of one hundred thousand square feet devoted to exaction uses, exclusive in both cases of all accessory parking garage space; and, provided further, that three years after the effective date of this act and no more frequently than at three year intervals thereafter, the zoning commission is authorized to increase the measured value above such five dollar maximum, but any such increase, expressed as a

percentage increase of the then applicable maximum per square foot amount, shall not exceed the per cent of the increase in the combined index for the prior thirty-six month period. No such increase shall apply to any new large-scale commercial real estate development for which an application for a conditional use permit, exception, zoning map or text amendment or variance has been filed with the appropriate governmental authority prior to the effective date of such increase or for which an application for a planned development area has been filed with the BRA prior to the effective date of such increase, whichever occurs first. The payment period for the affordable housing exaction shall be the payment period for the housing contribution grant or exaction as set forth in article 26A of the Boston zoning code as of November first, nineteen hundred and eighty-six and any such period shall not be altered by subsequent regulation. Any affordable housing exaction payment shall be made to the neighborhood housing trust, as created and administered pursuant to section twenty. The zoning commission is authorized to promulgate such regulations or rules as will effectuate the purposes of this section.

Section 17. Notwithstanding any provisions of general or special law or rule to the contrary, in the city of Boston the zoning commission is hereby authorized to adopt zoning regulations or amendments thereto for the purpose of mitigating the effects of any new large-scale commercial real estate development on the health and welfare of low and moderate income residents of the city of Boston due to the unavailability of employment opportunities for such low and moderate income residents of Boston. Such regulations shall provide that any relief granted under the provisions of the zoning code, existing or as amended, including without limitation the granting of a conditional use permit, exception, zoning map or text amendment or variance, shall be conditioned upon action, or promised action, by the developer seeking to obtain such relief to contribute an employment exaction to mitigate the effects which the new large-scale commercial real estate development project may have upon the availability of jobs for low and moderate income residents within the city, which action shall be the contribution towards the creation of job training programs for the training of low and moderate income residents of the city as determined by the zoning commission pursuant to duly adopted regulation.

The zoning commission shall determine by regulation that the value of an employment exaction shall be measured on the basis of dollars per square foot devoted to exaction uses in excess of one hundred thousand square feet of gross floor area devoted to exaction uses, exclusive in both cases of all accessory parking garage space, in the new large-scale commercial real estate development project. The developer of any new large-scale commercial real estate development project, in lieu of contributing towards the creation of the job training programs or similar activities projects referred to in the preceding paragraph, may make a payment or payments of an amount of money equal to the measured value of the employment exaction to the neighborhood jobs trust authorized by section twenty of this chapter over a payment period to be

established by regulation of the zoning commission, for the purpose of mitigating the impact of the new large-scale commercial real estate development project.

Such regulations shall provide that the measured value of the employment exaction shall be determined on the basis of a fixed dollar amount per square foot of gross floor area devoted to exaction uses in excess of one hundred thousand square feet devoted to exaction uses, exclusive in both cases of all accessory parking garage space, in the new large-scale commercial real estate development, as determined by the zoning commission upon written recommendations of the BRA, which recommendations shall include an analysis of the following:

(1) economic trends, such as real estate development activity, commercial rents per square foot, employment growth and inflation rates; (2) employment trends such as unemployment rates and statistics on the availability and use of job training programs; and (3) any other such information which the BRA deems appropriate for consideration; provided, however, that the zoning commission shall be authorized to decrease the measured value of the above employment exaction at any time upon consideration of the factors above; provided, further, that the zoning commission shall not be authorized to set the value of the above employment exaction at more than one dollar per square foot of gross floor area devoted to exaction uses, exclusive in both cases of all accessory parking garage space, in excess of one hundred thousand square feet devoted to exaction uses; and, provided further, that three years after the effective date of this act and no more frequently than at three year intervals thereafter, the zoning commission is authorized to increase the measured value above such one dollar maximum, but any such increase, expressed as a percentage of the then applicable maximum per square foot amount, shall not exceed the per cent of increase of CPI-W for the prior thirty-six month period. No such increase shall apply to any new large-scale commercial real estate development for which an application for a conditional use permit, exception, zoning map or text amendment or variance has been filed with the appropriate governmental authority prior to the effective date of such increase or for which an application for a planned development area has been filed with the BRA prior to the effective date of such increase, whichever occurs first. The payment period for the employment exaction shall be the payment period for the jobs contribution grant as set forth in article 26B of the Boston zoning code as of November first, nineteen hundred and eighty-six and shall not be altered by subsequent regulation. Any employment exaction shall be paid into the neighborhood jobs trust as created pursuant to section twenty of this chapter. The zoning commission is authorized to promulgate such regulations or rules, as will effectuate the purpose of this provision.

Section 18. (a) The zoning commission is further authorized to promulgate zoning regulations and amendments thereto for the purpose of mitigating the effects of any new large-scale commercial real estate development in the city of Boston on the availability of affordable

housing or employment opportunities for low and moderate income residents of Boston; provided, however, that such regulations may not be in force simultaneously with those authorized by sections sixteen and seventeen. Such regulations and amendments may provide that any relief granted under the provisions of the zoning code, existing or amended, including without limitation the granting of a conditional use permit, exception, zoning map or text amendment or variance, shall be conditioned upon action or promised action by the developer seeking to create such new large-scale commercial real estate development project or obtain such relief to mitigate the effects which the new large-scale commercial real estate development may have upon low and moderate income residents of the city as determined by the zoning commission pursuant to duly adopted regulations. Such regulations or amendments shall state the specific improvements or amenities to be provided as a condition required for the grant of zoning relief and the zoning relief to be granted.

(b) Any such regulations and amendments must provide that (1) the present and future economic burden of any such improvements or amenities shall not exceed the sum of the present value of five dollars per square foot paid in equal and annual installments over a seven year period plus the present value of one dollar per square foot paid in equal and annual installments over a two year period, each commencing on the date of the issuance of the building permit, for each square foot of gross floor area devoted to exaction uses in excess of one hundred thousand square feet devoted to exaction uses, exclusive in both cases of all accessory parking garage space, in the new large-scale commercial real estate development; provided, however, that three years after the effective date of this act and no more frequently than at three year intervals thereafter, the zoning commission is authorized to increase the maximum per square foot amount but any such increase, expressed as a percentage of the then applicable maximum per square foot amount, shall not exceed the per cent increase of the combined index for the prior thirty-six month period and (2) the developer seeking to create such new large-scale commercial real estate development shall have the right to make a cash payment equal to such economic burden to a fund designated in such regulations or amendments in lieu of providing any such improvements or amenities. The incorporation herein of a limitation upon the economic burden of any such condition which may be imposed or agreed upon shall not be construed as mandating the imposition of any particular condition.

Section 19. Notwithstanding any provision of general or special law or rule to the contrary, (a) articles 26, 26A and 26B of the Boston zoning code; (b) all zoning code amendments, zoning map amendments, zoning variances, conditional use permits and zoning exceptions granted or enacted prior to the effective date of any zoning code amendment or zoning commission regulation pursuant to this act and in any way dependent upon, or related to, articles 26, 26A or 26B of the Boston zoning code, or any of them, which have not been appealed or challenged on the grounds of the invalidity of said articles, or any one of them, in

judicial proceedings timely and properly commenced, prior to the enactment of this act or which have been so appealed or challenged in judicial proceedings which have been dismissed or otherwise adjudicated in favor of the developer prior to the enactment of this act; (c) all zoning code amendments, zoning map amendments, zoning variances, conditional use permits and zoning exceptions granted or enacted prior to the effective date of any zoning code amendment or zoning commission regulations pursuant to this act and in any way dependent upon or related to, articles 26, 26A or 26B of the Boston zoning code, or any of them, which have been appealed or challenged on the grounds of the invalidity of said articles, or any of them, in judicial proceedings timely and properly commenced prior to the enactment of this act and which have not been dismissed or otherwise adjudicated in favor of the developer prior to the enactment of this act; (d) any development impact project exactions, development impact project contributions and jobs contribution grants, as those terms are defined in said articles, and agreements for such exactions, contributions and grants related to or dependent upon any of the zoning actions described in clause (b) and (c); and (e) any additional actions, zoning variances, conditional use permits and zoning exceptions granted pursuant to, or in connection with, any development contemplated by any zoning map amendment, zoning code amendment or agreement described in clauses (b), (c) or (d), whether or not subsequent to the date of enactment of this act, are hereby ratified, validated and confirmed, insofar as any such amendments, variances, permits, exceptions, exactions, contributions, grants, agreements, and other actions may be invalid by reason of any invalidity of said articles or any of them. Any new large-scale commercial real estate development which is the subject of any agreement ratified, validated and confirmed by this section, and any additional actions, zoning variances, conditional use permits, zoning exceptions, and zoning code and text amendments ratified, validated and confirmed by this section, shall be governed by any such agreement and by the provisions of said articles 26, 26A and 26B, or any of them, pursuant to which said agreements were made, and shall not be subject to any zoning regulations or amendments hereafter adopted by the zoning commission pursuant to this act. Notwithstanding the foregoing, no new large-scale commercial real estate development shall be subject to the terms and provisions of sections 26-3(2)(c) of article 26, section 26A-3(2)(c) of article 26A or section 26B-3(1)(c) of article 26B of the Boston zoning code.

Section 20. Notwithstanding any general or special law or rule to the contrary, the city of Boston is hereby authorized to establish, by ordinance, separate funds, to be known as the neighborhood housing trust and the neighborhood jobs trust. Each such fund shall be held in trust by the collector-treasurer under such terms as may heretofore or hereafter be prescribed by ordinance, subject to the approval of the mayor. Each fund shall consist of all payments heretofore or hereafter made by any developer pursuant to sections sixteen, seventeen, eighteen and nineteen other than contributions towards the creation of affordable housing as

provided in section sixteen and any funds appropriated to such funds by the city for the purposes set forth in this act and in ordinances regulating such trusts for which appropriations are hereby authorized. Any payments made to such separate funds pursuant to the provisions of this act shall be impressed with the terms of the trusts established under the authority of this section and the ordinances adopted pursuant to this section, and shall be received by the collector-treasurer and deposited by him in a separate account; provided, however, that with respect to each new large-scale commercial real estate development, the total amount of all such payments to be made by a developer to such trusts shall first be accepted by the city council and approved by the mayor, which acceptance shall be deemed a final appropriation of said payments to such trusts. All payments to be made by a developer to such separate funds in respect to a particular new large-scale commercial real estate development shall thereupon and thereafter be deposited directly into such trusts and may thereafter be expended by the trustees of said trusts for the purposes authorized by this act, and for no other purpose. All such funds received, accepted or appropriated shall at all times be impressed with the terms of the trusts as defined by this act as regulated by ordinance and shall be dedicated exclusively to the development and operation of affordable housing for low and moderate income residents of Boston or to the development of job training programs for low and moderate income residents of Boston, and for no other purpose. Any trust or fund heretofore established by the city for either of the two purposes described in this act and now existing, and any ordinance passed for the purpose of authorizing the establishment of such trusts or funds passed prior to the effective date of this act including, without limitation, chapter seven of the ordinances of the city of Boston of nineteen hundred and eighty-six and declaration of trust of neighborhood housing trust dated November nineteenth, nineteen hundred and eighty-five and any actions taken by the trustees of said neighborhood housing trust or neighborhood jobs trust prior to the effective date of this act are hereby authorized, validated and confirmed.

Any payments made by a developer of a new large-scale commercial real estate development pursuant to chapter seven of the ordinances of the city of Boston of nineteen hundred and eighty-six and the declaration of trust of the neighborhood housing trust dated November nineteenth, nineteen hundred and eighty-five before the effective date of any amendment of said chapter or declaration of trust or of any trust or fund hereafter established by the city, in either case pursuant to this act, shall be governed by said chapter of the ordinances of nineteen hundred and eighty-six and said declaration of trust of November nineteenth, nineteen hundred and eighty-five, and shall not be subject to any trust or fund amendments or any new trust or fund hereafter established.

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

Approved October 5, 1987.

**Chapter 372. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF ASHLAND.**

Be it enacted, etc., as follows:

**SECTION 1.** Any holder of an elected office in the town of Ashland may be recalled therefrom by the registered voters of the town herein provided, except, the maximum number of members of a board that may be recalled is a majority.

**SECTION 2.** Any one hundred voters of the town may initiate a recall petition by filing with the town clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. The town clerk shall thereupon deliver to said voters making the affidavit copies of petition blanks demanding such recall, copies of which printed forms he shall keep available. Such blanks shall be issued by the town clerk, with his signature and official seal attached thereto. They shall be dated, shall be addressed to the selectmen and shall contain the names of all the persons to whom they are issued, the number of blanks so issued, the name of the person whose recall is sought, the office from which removal is sought, the grounds of recall as stated in the affidavit, and shall demand the election of a successor in the said 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 twenty days after the filing of the affidavit, and shall have been signed by at least twenty-five per cent of the registered voters of the town as of the date such affidavit was filed with the town clerk, who shall add to their signatures the street and number, if any, of their residences.

The town clerk shall within twenty-four hours of receipt submit the petition to the registrars of voters in the town, and the registrars shall within five working days certify thereon the number of signatures which are names of registered voters of the 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, within five working days, and the selectmen shall within five working days give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five days thereafter, order an election to be held on a date fixed by them not less than sixty and not more than ninety days after the date of the town clerk's certificate that a sufficient petition has been filed; provided, however that if any other town election is to occur within one hundred days after the date of the certificate the selectmen shall postpone the holding of the recall election to the date of such other election. No person shall be subject to recall if his term of office expires within ninety days of the certificate. If a vacancy occurs in said office after a recall election has been ordered, the election shall

nevertheless proceed as provided in this section.

**SECTION 4.** Any officer sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the town clerk shall place his name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the 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.

**SECTION 5.** The incumbent shall continue to perform the duties of his office until the recall election. If said incumbent is not removed, he shall continue in office for the remainder of his unexpired term subject to recall as before, except as provided in this section. If not reelected 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 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 the said propositions. Under the propositions shall appear the word "Candidates", the directions to the voters required by section forty-two of chapter fifty-four of the General Laws, and beneath this the names of candidates nominated in accordance with the provisions of law relating to elections. If two-thirds 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 more than one-third of the votes on the question are in the negative, the ballots for candidates need not be counted.

**SECTION 7.** No recall petition shall be filed against an officer within ninety days after he takes office, nor, in the case of an officer subjected to a recall election and not recalled thereby, until at least ninety days after the election at which his recall was submitted to the voters of the town.

**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 one year after such recall or such resignation.

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

Approved October 5, 1987.



**Chapter 373. AN ACT REMOVING CERTAIN PART-TIME POSITIONS  
IN THE TOWN OF RANDOLPH FROM CIVIL SERVICE.**

Be it enacted, etc., as follows:

**SECTION 1.** The position of milk inspector and assistant milk inspector; plumbing and gas fitting inspector and assistant plumbing and gas fitting inspector; wiring inspector and assistant wiring inspector; recreation director and assistant recreation director; inspector of animals and assistant inspector of animals; sealer of weights and measures and assistant sealer of weights and measures; sign inspector and assistant sign inspector; tree climber and assistant tree climber; tree forman and assistant tree forman; tree maintenance and assistant tree maintenance in the town of Randolph shall not be subject to 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 persons holding any one of the said positions in the town of Randolph on the effective date of this act.

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

Approved October 5, 1987.

---

**Chapter 374. AN ACT AUTHORIZING CERTAIN MUNICIPAL OFFICIALS TO BE EMPLOYED BY HOUSING AUTHORITIES.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 6A of chapter 39 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "council", in line 11, the following words:- and except that, in accordance with the provision of the seventh paragraph of section twenty of chapter two hundred and sixty-eight A, any elected municipal official, other than a mayor, may choose to receive either the compensation for such service or compensation for service as an employee of a housing authority in such municipality, but may not receive both.

**SECTION 2.** Section 20 of chapter 268A, as so appearing, is hereby amended by inserting after the sixth paragraph the following paragraph:-

This section shall not prohibit an employee of a housing authority in a municipality from holding any elective office, other than the office of mayor, in such municipality nor in any way prohibit such employee from performing the duties of or receiving the compensation provided for such office; provided, however, that such elected officer shall not, except as otherwise expressly provided, receive compensation for more than one

---

**ACTS, 1987. – Chaps. 375, 376.**

office or position held in a municipality, but shall have the right to choose which compensation he shall receive; provided further that no such elected official may vote or act on any matter which is within the purview of the housing authority by which he is employed; and provided further that no such elected official shall be eligible for appointment to any such additional position while he is still serving in such elective office or for six months thereafter. Any violation of the provisions of this paragraph which has substantially influenced the action taken by the housing authority in any matter shall be grounds for avoiding, rescinding, or cancelling the action on such terms as the interest of the municipality and innocent third parties may require.

**SECTION 3.** This act shall take effect upon its passage, and shall not be deemed to invalidate or serve as a stay to any action commenced or judgement entered by any court or agency of competent jurisdiction prior thereto.

Approved October 5, 1987.

---

**Chapter 375. AN ACT EXTENDING THE TIME PERIOD TO ACT ON AUCTIONEER PERMITS.**

Be it enacted, etc., as follows:

Section 10 of chapter 100 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Within six business days of the filing of an application for a special permit, the local auction permit agent shall either approve the permit subject to stated reasonable terms and conditions relating to public safety as he may establish, or deny the application on stated grounds, which must be reasonable grounds relating to public safety. Failure of an agent to act within the six business day period shall constitute approval of the application. Upon approval, express or implied, the applicant shall tender to the city or town treasurer the permit fee established by said agent, which fee shall be reasonable.

Approved October 5, 1987.

---

**Chapter 376. AN ACT RELATIVE TO REFUNDS OF PROPERTY TAXES.**

Be it enacted, etc., as follows:

Chapter 59 of the General Laws is hereby amended by inserting after section 58 the following section:-

Section 58A. No abatement or refund of property tax, real or

---

**ACTS, 1987. – Chaps. 377, 378.**

personal, shall be granted or paid in an amount less than one dollar.

Approved October 5, 1987.

---

**Chapter 377. AN ACT AUTHORIZING CERTAIN LEAVE FOR OFFICERS OF THE PROFESSIONAL FIREFIGHTERS OF MASSACHUSETTS.**

Be it enacted, etc., as follows:

Chapter 48 of the General Laws is hereby amended by inserting after section 57H the following section:-

Section 57I. In any city, town or district which accepts the provisions of this section, elected officers of the Professional Firefighters of Massachusetts, AFL-CIO-CLC, shall be granted leave, without loss of pay or benefits and without being required to make up lost time, if on duty, by the municipal employer for regularly scheduled work hours spent in the performance of their elected responsibilities in such organization.

Approved October 5, 1987.

---

**Chapter 378. AN ACT PROVIDING FOR THE APPOINTMENT OF AN ASSISTANT COLLECTOR.**

Be it enacted, etc., as follows:

Chapter 41 of the General Laws is hereby amended by inserting after section 39B the following section:-

Section 39C. The collector of a city or town may in writing appoint, with approval of the mayor or the selectmen thereof, an assistant collector who may be an employee in said collector's department. The assistant collector shall be sworn to the faithful performance of his duties, and a record shall be made of his appointment and oath. The assistant collector shall be a citizen of the United States and a resident of the commonwealth, and shall give bond annually for the faithful performance of his duties in a form approved, and in an amount determined by the commissioner of revenue. Unless a temporary collector is appointed in accordance with law, the assistant collector may, in the absence of the collector, perform his duties and when performing such duties shall have the powers and be subject to the requirements and penalties applicable to him; provided, however, that the assistant collector shall not be authorized to sign for the collector instruments of taking pursuant to section fifty-four of chapter sixty. The person appointed as assistant collector may receive a salary from the city or town for service as such.

Approved October 5, 1987.

**Chapter 379. AN ACT PROVIDING FOR TEMPORARY APPOINTMENTS TO ASSIST THE PAROLE BOARD.**

Be it enacted, etc., as follows:

Chapter 27 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following section:-

Section 7. (a) Retired members of the parole board and retired judges of the commonwealth whose names have been placed on the list of special parole board members pursuant to paragraph (d) may be designated by the secretary of the executive office of human services, upon application by the chairman of the parole board as provided in paragraph (e), to perform such of the duties of parole board members as they are assigned by the chairman of the parole board and which they may be willing to undertake.

(b) In performing such services, a special member of the parole board shall exercise all powers and authority of the office with respect to matters to which he is assigned. Any decision or vote of any such member shall be equal to any decision or vote of any active member of the parole board.

(c) A special member of the parole board shall receive compensation equivalent to that received by active members of the parole board and payment of any pension or retirement benefits shall be deemed to have been waived during such service as provided by section ninety B of chapter thirty-two. Such special member of the parole board shall be reimbursed for all expenses incurred while performing such services. While so serving, such staff support, clerical assistance and facilities as are customarily available to active members of the parole board shall be provided.

(d) Any retired member of the parole board or any retired judge who is eligible as hereinafter provided, may notify the secretary that he wishes his name to be placed on the list of such persons who may be designated as a special member of the parole board. The secretary may place the name of any retired member of the parole board or any retired judge on the list of special parole board members. No retired judge shall be designated to serve as a special member of the parole board if he is designated and assigned pursuant to section twenty-four of chapter two hundred and eleven, section sixteen of chapter two hundred and eleven A, and section fourteen of chapter two hundred and eleven B, nor shall any such judge consider the parole eligibility, commutation or pardon of any inmate who has ever appeared before him in his judicial capacity.

(e) Application for designation of a special member of the parole board shall be made by the chairman of the parole board to the secretary by a certification by said chairman that a significant number of cases is pending and has been pending for a least thirty days and that the active members of the parole board could not dispose of these cases within sixty days. The secretary shall consult with the chairman as to the number of special members of the parole board who should be designated and the length of time such designation shall remain in effect; provided,

---

**ACTS, 1987. – Chaps. 380, 381.**

however, that no more than three temporary appointments to the parole board shall be in effect at any one time; and provided, further, that at no time shall more than one temporary appointment serve as a member of the parole board to dispose of any particular case. In no event may a designation remain in effect for longer than one year; provided, however, that the secretary may redesignate an individual as a special parole board member. Any designation may specify that a special member may serve on a less than full time basis.

(f) Upon recommendation of the chairman, the secretary may withdraw an individual's designation as a special parole board member at any time.

(g) Whenever the secretary has designated one or more special members of the parole board, the chairman shall file with the secretary a monthly report on the efforts to address the caseload and shall indicate the number of pending cases.

Approved October 5, 1987.

---

**Chapter 380. AN ACT FURTHER REGULATING THE ASSIGNMENT OF COUNSEL IN CAPITAL CRIMES.**

Be it enacted, etc., as follows:

Section 37A of chapter 276 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- Upon a determination that a person accused of murder in the first or second degree is indigent, the chief counsel of the committee for public counsel services, or his designee, may assign the case to either the public counsel division or the private counsel division.

Approved October 5, 1987.

---

**Chapter 381. AN ACT RELATIVE TO NONRESIDENTIAL LEASES.**

Be it enacted, etc., as follows:

Chapter 186 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after section 11 the following section:-

Section 11A. Upon the neglect or refusal by the tenant to pay the rent due under a written lease of premises for other than dwelling purposes, the landlord shall be entitled to terminate the lease either (i) in accordance with the provisions of the lease or (ii) in the absence of such lease provisions, by at least fourteen days notice to quit, given in writing to the tenant. If a landlord terminates the lease by at least fourteen

---

**ACTS, 1987. – Chaps. 382, 383.**

days notice pursuant to clause (ii) of the preceding sentence, the tenant shall be entitled to cure on or before the day the answer is due in any action by the landlord to recover possession of the premises, by paying or tendering to the landlord or to his attorney all rent then due, with interest and costs of such action. The rights to cure provided herein, shall apply only to termination pursuant to clause (ii) and shall not apply to termination in accordance with the provisions of the lease.

Approved October 5, 1987.

---

**Chapter 382. AN ACT RELATIVE TO THE TERM OF LEASE FOR THE WESTERN WORCESTER DISTRICT COURT.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of section forty G of chapter seven and section four of chapter twenty-nine A of the General Laws, the chief administrative justice, subject to the approval of the deputy commissioner of capital planning may rent for the use of the district court of western Worcester, through a lease, tenancy-at-will or other rental agreement for a term not to exceed ten years, a facility located within said district court area.

Approved October 5, 1987.

EMERGENCY LETTER: October 6, 1987 @ 2:51 P.M.

---

**Chapter 383. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF WEST BROOKFIELD.**

Be it enacted, etc., as follows:

**SECTION 1.** Any holder of an elective office in the town of West Brookfield may be recalled therefrom by the qualified voters of said town as herein provided.

**SECTION 2.** Any ten registered voters of the town of West Brookfield may file an affidavit with the town clerk containing the name of the officer sought to be recalled and a statement of the grounds for recall. The town clerk shall thereupon deliver to said voters copies of printed form petition blanks addressed to the selectmen demanding such recall. The blanks shall be issued under the signature and official seal of the town clerk. They shall be dated, and shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought, and the grounds of recall as stated in the affidavit. In addition, the petitions shall demand the election of a successor to the said office.

A copy of the petition shall be entered in a record book to be kept in the office of town clerk. The recall petition shall be returned and filed with the town clerk within twenty days after the filing of the affidavit, with signatures, names and street addresses of at least twenty per cent of the registered voters of the town. Within forty-eight hours of receipt, the town clerk shall submit the petition to the registrars of voters in the town, and the registrars shall forthwith certify thereon the number of signatures which are names of registered voters of the town. If the petition shall be found and certified by the town clerk to be sufficient, it shall be submitted with his certificate to the selectmen without delay.

**SECTION 3.** The board of selectmen shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled. If the officer does not resign within five days thereafter, the board of selectmen shall order a recall election to be held on a date fixed by them not less than sixty nor more than seventy-five days after the date of the town clerk's certificate that a sufficient petition has been filed; provided, however, that if any other town election is scheduled to occur within ninety days after the date of the certificate, the board of selectmen shall 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 ordered, the election shall nevertheless proceed as provided in this section.

**SECTION 4.** An officer whose recall is sought may be a candidate to succeed himself in the event the question of recall is voted in the affirmative. The number of signatures of qualified voters required to place the name of a candidate on the official ballot for use at a recall election shall not be less than twenty-five. The publication of the warrant for the recall election and the conduct of the same shall be in accordance with the provisions of law regulating 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, the officer shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in this act. If not re-elected in the recall election, he shall be deemed recalled upon the qualification of a successor, who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of election, the incumbent shall thereupon be deemed recalled, 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 the

---

**ACTS, 1987. – Chap. 384.**

said propositions. Under the proposition shall appear the word "Candidates", the directions to voters required by section forty-two of chapter forty-four of the General Laws, and beneath this the names of candidates nominated as hereinbefore provided. If the 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 votes on the question is in the negative the ballots for candidates need not be counted.

**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.** All holders of elective office as of the effective date of this act shall be subject to the provisions set forth herein.

Approved October 5, 1987.

---

**Chapter 384. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF HADLEY.**

Be it enacted, etc., as follows:

**SECTION 1.** Any holder of an elective office in the town of Hadley may be recalled therefrom by the registered voters of the town as herein provided, for reason of lack of fitness, incompetence, neglect of duties, corruption, malfeasance, misfeasance or violation of oath.

**SECTION 2.** Any ten registered voters of the town may file an affidavit with the town clerk containing the name of the officer sought to be recalled and a statement of the grounds for recall. The town clerk shall thereupon deliver to said voters copies of printed form petition blanks addressed to the selectmen demanding such recall. The blanks shall be issued under the signature and official seal of the town clerk. They shall be dated, and shall contain the names of all persons to whom they are issued, the name of the person whose recall is sought, and the grounds of recall as stated in the affidavit. In addition, the petitions shall demand the election of a successor to the said 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 after the filing of the affidavit, with



signatures, names and street addresses of at least twenty per cent of the registered voters of the town. Within twenty-four hours of receipt, the town clerk shall submit the petition to the registrars of voters in the town, and the registrars shall forthwith certify thereon the number of signatures which are names of registered voters of the town.

**SECTION 3.** If the petition shall be found and certified by the town clerk to be sufficient, it shall be submitted with his certificate to the selectmen without delay. The selectmen shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled. If the officer does not resign within five days thereafter, the selectmen shall order an election to be held on a date 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 has been filed; provided, however, that if any other town election is scheduled to occur within ninety days after the date of the certificate, the selectmen shall 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 ordered, the election shall nevertheless proceed as provided in this section.

**SECTION 4.** Any officer sought to be removed may be a candidate to succeed himself in an election to be held to fill such vacancy, and unless the officer requests otherwise in writing, the town clerk shall place said name on the ballot without nomination. The nomination of other candidates, the publication of the warrant for the 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 section.

**SECTION 5.** The incumbent shall continue to perform the duties of his office until the recall election. If said incumbent is not removed he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in this act. If not re-elected in the recall election, he shall be deemed removed upon the qualification of a successor, who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of election, the incumbent shall thereupon be deemed removed 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 voters, by making a cross mark (X), may vote for either of the said propositions. Under the proposition shall appear the word "Candidates", the directions to voters required by section forty-two of chapter fifty-four of the General Laws, and beneath this the names of candidates nominated as hereinbefore provided. If a majority of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest

---

**ACTS, 1987. – Chaps. 385, 386.**

number of votes shall be declared elected. If a majority of votes on the question is in the negative the ballots for candidates need not be counted or take any action relative thereto.

**SECTION 7.** No recall petition shall be filed against an officer within three months after he takes office, nor, in the case of an officer subjected to a recall election and not recalled thereby until at least three months have elapsed after the election at which the recall was submitted to the voters of the town.

Approved October 5, 1987.

---

**Chapter 385. AN ACT EXEMPTING CERTAIN POSITIONS IN THE DEPARTMENT OF PUBLIC HEALTH IN THE CITY OF FITCHBURG FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.**

Be it enacted, etc., as follows:

**SECTION 1.** The positions of health inspector, public health physician, school physician, school dentist, school and public health nurses, food and milk inspector and sanitary inspector in the city of Fitchburg 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 employed in any of the positions listed in section one on the effective date of this act.

Approved October 5, 1987.

---

**Chapter 386. AN ACT RELATIVE TO PAYMENT OF FUNERAL AND BURIAL EXPENSES OF FIREFIGHTERS AND POLICE OFFICERS EMPLOYED BY THE CITY OF SPRINGFIELD KILLED IN PERFORMANCE OF DUTIES.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of section one hundred G of chapter forty-one of the General Laws or any other provision of law to the contrary, the city of Springfield, by a majority vote of its city council with the approval of its mayor, shall pay the reasonable expense, not exceeding five thousand dollars, of the funeral and burial of any firefighter who while in the performance of his duty and as a result of an accident while responding to or returning from an alarm or fire or any emergency or as the result of an accident involving a fire department vehicle, which the firefighter is operating or in which he is riding or while at the scene of a fire or any emergency is killed or sustains injuries

---

**ACTS, 1987. - Chaps. 387, 388.**

which result in his death, or of any police officer who while in the performance of his duty and as the result of an assault on his person, or a result of an accident while responding to an emergency while in the performance of his official duty or as a result of an accident involving a police department vehicle which he is operating or in which he is riding is killed or sustains injuries which result in his death.

**SECTION 2.** This act shall be effective as of November first, nineteen hundred and eighty-five.

Approved October 5, 1987.

---

**Chapter 387. 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 Joseph Alan Jaffe, who is a judge of the Court of Common Pleas of Pittsburgh, in the Commonwealth of Pennsylvania, in the town of Chatham, on October eleventh, nineteen hundred and eighty-seven, between Karla Henry and Alexander F. Fleming, both of the city of Boston and the state secretary shall issue to said Honorable Joseph Alan Jaffe in his capacity as aforesaid a certificate of such authorization.

Approved October 6, 1987.

---

**Chapter 388. AN ACT AUTHORIZING THE CITY OF LEOMINSTER TO GRANT A RETIREMENT ALLOWANCE TO JAMES M. RAHER.**

Be it enacted, etc., as follows:

**SECTION 1.** For the purpose of promoting the public good, the retirement board of the city of Leominster is hereby authorized to grant a retirement allowance under the provisions of section five of chapter thirty-two of the General Laws to James M. Raher, an assessor in the service of the city of Leominster, upon attaining the age of seventy

---

**ACTS, 1987. – Chaps. 389, 390.**

years, notwithstanding the provisions of paragraph (m) of subdivision (1) of said section five of said chapter thirty-two.

**SECTION 2.** This act shall take effect upon its acceptance by the city of Leominster.

Approved October 6, 1987.

---

**Chapter 389. AN ACT DIRECTING NORFOLK COUNTY TO PAY CERTAIN RETIREMENT BENEFITS TO THE SURVIVING SPOUSE OF T. DUSTIN ALWARD.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, for the purpose of promoting the public good, the retirement board of Norfolk county is hereby authorized and directed to pay to Marie Alward, the surviving spouse of T. Dustin Alward, a fire captain of the Randolph fire department, an accidental death benefit as provided under the provisions of section nine of chapter thirty-two of the General Laws.

**SECTION 2.** This act shall take effect as of August fifteenth, nineteen hundred and eighty-seven.

Approved October 6, 1987.

EMERGENCY LETTER: October 6, 1987 @ 2:51 P.M.

---

**Chapter 390. AN ACT INCREASING THE PENALTY FOR CERTAIN VIOLATIONS OF THE LAWS OF THE ROAD.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 4B of chapter 89 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:— When the right lane has been constructed or designated for purposes other than ordinary travel, a driver shall drive his vehicle in the lane adjacent to the right lane except when overtaking another vehicle or when preparing for a left or right turn; provided, however, that a driver may drive his vehicle in such right lane if signs have been erected by the department of public works permitting the use of such lane.

**SECTION 2.** Said chapter 89 is hereby further amended by striking out section 5, as so appearing, and inserting in place thereof the following section:—

Section 5. Whoever violates any of the provisions of sections one to four C. inclusive, except as otherwise provided herein, shall, upon

---

ACTS, 1987. - Chap. 391.

complaint made within three months after the commission of the offense, forfeit not more than one hundred dollars and whoever drives in the right lane which has been constructed or designated for purposes other than ordinary travel as set forth in section four B shall, upon complaint made within three months after the commission of the offense, forfeit not more than one hundred dollars.

Notwithstanding any provisions of law to the contrary, the provisions of sections one to four C, inclusive, shall not apply to a person acting in conformity with the direction of a police officer or to a driver of a vehicle actually engaged in authorized work upon a highway under construction, repair or during maintenance operations when the nature of the work necessitates a departure from normal operational practices or to any operator of a motor vehicle when construction or repair is being performed which prohibits passage in the ordinary travel lane or lanes on a highway.

Approved October 6, 1987.

---

**Chapter 391. AN ACT AUTHORIZING THE TOWN OF WINCHESTER TO GRANT A CERTAIN EASEMENT.**

Be it enacted, etc., as follows:

The town of Winchester acting by and through its board of selectmen is hereby authorized to grant an easement in a certain parcel of park land to Angelo Marotta, his successors or assigns, for the benefit of a parcel of land owned by the said Angelo Marotta containing about 8 acres of land and situated to the southwest of the proposed easement, for all purposes for which streets and ways are commonly used in the town of Winchester, including without limitation, the right to pass and re-pass on foot or in vehicle and the right to construct, repair and maintain said easement including the usual utilities about and within said easement and for the purposes of constructing a bridge within said easement over the Aberjona River including the construction, installation, repair and maintenance of footings, supports, and structures necessary thereto. Said parcel is bounded and described as follows:

Beginning at a point which is on the southerly side of Cross Street, and is also the northeasterly point of the easement hence running:

South 22 - 34' - 00" West one hundred eleven and 57/100 (111.57) feet to a point; thence

South 20 - 07' - 20" East four hundred four and 44/100 (404.44) feet to a point; thence

South 69 - 52' - 40" West seventy-nine and 77/100 (79.77) feet to a point thence

North 22 - 07' - 10" West two hundred twenty-four and 44/100 (224.44) feet to a point; thence

North 74 - 50' - 20" West fourteen and 06/100 (14.06) feet to a point; thence

---

ACTS, 1987. - Chap. 392.

North 20 - 07' - 20" West two hundred ten and 00/100 (210.00) feet to a point; thence

North 07 - 44' - 20" East one hundred fifty-three and 86/100 (153.86) feet to a point, thence

South 70 - 42' - 00" East eighty-six and 00/100 (86.00) feet to a point; thence

Along a curve line whose radius is one hundred eighty-two and 78/100 (182.78) feet having an arc length of fifty-four and 53/100 (54.53) feet to a point of beginning.

This easement contains 1.27 acres more or less.

Approved October 6, 1987.

---

**Chapter 392. 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 CHESHIRE.**

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 Cheshire, 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 parks rents and eviction 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 Cheshire.

**SECTION 2.** The town of Cheshire may, by its 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 use and occupancy of mobile home park accommodations and evictions of tenants therefrom and may, by its by-laws, require registration by owners of 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

---

**ACTS, 1987. - Chap. 393.**

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.** In regulating such 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 the mobile home park accommodations in said town are established at levels which yield to owners a fair net operating income for such units. Said town in its by-laws or said rent board by regulations may establish further standards and rules consistent with this act. If the maximum rent is not otherwise established, it shall be established by the board. Any maximum rent may be subsequently adjusted under this act.

**SECTION 4.** 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 powers to issue, vacate, modify, and enforce subpoenas and those provisions relating to judicial review of an agency order.

**SECTION 5.** 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 A of the General Laws. The superior court 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 Cheshire may, by its by-laws, regulate the evictions 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 four and five.

**SECTION 7.** This act shall take effect upon its passage.

Approved October 8, 1987.

---

**Chapter 393. AN ACT RELATIVE TO THE POWERS OF THE MASSACHUSETTS CREDIT UNION SHARE INSURANCE CORPORATION.**

Be it enacted, etc., as follows:

Section 6 of chapter 294 of the acts of 1961 is hereby amended by striking out the paragraph, inserted by chapter 749 of the acts of 1981, and inserting in place thereof the following paragraph:-

Notwithstanding any provisions of law to the contrary the directors of the corporation, with the approval of the commissioner, may sell to: any bank, as defined in section one of chapter one hundred and sixty-seven of the General Laws; to any credit union, organized under chapter one hundred and seventy-one of the General Laws; or to any federal credit union, organized under the federal credit union act, Public Law 91-468 as amended from time to time, and any such bank, credit union or federal credit union may purchase, without regard to geographical limitations within the commonwealth, the whole or any part of the assets of any member which has been certified to the directors and is in their possession under this act at such valuation and upon such terms and conditions as the corporation, through its directors, and such bank, credit union or federal credit union may agree upon, with the approval of the commissioner; provided, however, that in the event of any such sale, the directors shall first evaluate bids requested from credit unions organized under the said chapter one hundred and seventy-one before acting upon such bids requested from any other of the said banks and federal credit unions.

Approved October 8, 1987.

---

**Chapter 394. AN ACT PROVIDING A MEDICAL DEFINITION OF INFERTILITY.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 175 of the General Laws is hereby amended by inserting after section 47G, inserted by section 1 of chapter 363 of the acts of 1987, the following section:-

Section 47H. 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 subdivisions (A), (C) or (D) of section one hundred and ten which provides hospital expense or surgical expense insurance which includes pregnancy-related benefits and which is issued or subsequently renewed by agreement between the insurer and the policyholder, within or without the commonwealth, while this provision is effective, or any policy of accident and sickness insurance as described in section one hundred and eight which provides hospital expense or surgical expense insurance which includes pregnancy-related benefits and which is delivered or issued for delivery or subsequently renewed by agreement between the insurer and the policyholder in the commonwealth while this provision is effective, or any employees' health and welfare fund which provides hospital expense and surgical expense benefits which includes pregnancy-related benefits and which is promulgated or renewed to any person or group of persons in the commonwealth while this provision is effective shall provide, to the same extent that benefits are provided for other pregnancy-related procedures, coverage for medically necessary



expenses of diagnosis and treatment of infertility. For purposes of this section, "infertility" shall mean the condition of a presumably healthy individual who is unable to conceive or produce conception during a period of one year.

**SECTION 2.** Chapter 176A of the General Laws is hereby amended by inserting after section 8J, inserted by section 3 of said chapter 363, the following section:-

Section 8K. 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 is delivered, issued for delivery or renewed in the commonwealth while this provision is effective and which provides pregnancy-related benefits shall provide as a benefit for all individual subscribers or members within the commonwealth and all group members having a principal place of employment within the commonwealth, to the same extent that benefits are provided for other pregnancy-related procedures, coverage for medically necessary expenses of diagnosis and treatment of infertility. Said infertility benefits shall meet all other terms and conditions of the subscriber certificate. For purposes of this section, "infertility" shall mean the condition of a presumably healthy individual who is unable to conceive or produce conception during a period of one year.

**SECTION 3.** Chapter 176B of the General Laws is hereby amended by striking out section 4G, inserted by section 4 of said chapter 363, and inserting in place thereof the following two sections:-

Section 4I. 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 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 of cytologic screening and mammographic examination. Said benefits shall be at least equal to the following minimum requirement: (a) in the case of benefits for cytologic screening, said benefits shall provide for an annual cytologic screening for women eighteen years of age and older; and (b), in the case of benefits for mammographic examination said benefits shall provide for a baseline mammogram for women between the ages of thirty-five and forty and for mammogram on an annual basis for women forty years of age and older.

Section 4J. Any subscription certificate under an individual or group medical service agreement, except certificates which provide supplemental coverage to medicare or other governmental programs, which is delivered, issued for delivery or renewed in the commonwealth while this section is effective shall provide as a benefit for all individual subscribers or members within the commonwealth and all group members having a principal place of employment within the commonwealth, to the

---

**ACTS, 1987. - Chap. 395.**

same extent that benefits are provided for other pregnancy-related procedures and subject to the other terms and conditions of the subscription certificate, coverage for medically necessary expenses of diagnosis and treatment of infertility. Said infertility benefits shall meet all other terms and conditions of the subscription certificate. For purposes of this section, "infertility" shall mean the condition of a presumably healthy individual who is unable to conceive or produce conception during a period of one year.

**SECTION 4.** Section 4 of chapter 176G of the General Laws, as amended by section 5 of said chapter 363, is hereby further amended by adding the following sentence:- Such health maintenance contract shall also provide coverage for diagnosis and treatment of infertility as set forth in section forty-seven H of chapter one hundred and seventy-five.

Approved October 8, 1987.

---

**Chapter 395. AN ACT AUTHORIZING THE CITY OF REVERE TO GRANT A CERTAIN PENSION TO MICHAEL J. McLAUGHLIN.**

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 Michael J. McLaughlin a police officer in the police department of the city of Revere 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 to said Michael J. McLaughlin 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. The annual pension payable by said city to said Michael J. McLaughlin 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 Michael J. McLaughlin 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 Michael J. McLaughlin, the retirement board of said city shall forthwith pay to him all the amounts standing to his credit in the annuity savings funds for 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 Michael J.

---

**ACTS, 1987. - Chap. 396.**

McLaughlin, relative to his indemnification by said city for any hospital, medical and relative 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 Michael J. McLaughlin, 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 Michael J. McLaughlin, the city of Revere shall pay to the surviving children of Michael J. McLaughlin, 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 Michael J. McLaughlin at the time of his death. If said Michael J. McLaughlin 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 October 13, 1987.

---

**Chapter 396. AN ACT AUTHORIZING THE STATE EMPLOYEES' RETIREMENT BOARD TO GRANT CERTAIN RETIREMENT BENEFITS TO THE SURVIVING SPOUSE OF EDWIN LIVINGSTONE, JR.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the state employees' retirement board to grant certain retirement benefits to the surviving spouse of Edwin Livingstone, Jr., 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 any general or special law to the contrary, and for the purpose of discharging a moral obligation of the commonwealth, the state employees' retirement board is hereby authorized and directed to pay to Margaret M. Livingstone, the surviving spouse of Judge Edwin Livingstone, Jr., retirement benefits as of May twelfth, nineteen hundred and eighty-seven equal to the benefits which would have been payable to her had said Edwin Livingstone, Jr. been retired for disability as of said date and had he elected to receive a pension or retirement allowance for life at a lesser annual rate with provision that upon his death two-thirds of such pension or retirement allowance for life at a lesser rate would be paid to said Margaret M. Livingstone, with such lesser annual rate to be determined so that the value on the date of such disability retirement of the prospective payments to such Edwin Livingstone, Jr. and Margaret

---

**ACTS, 1987. – Chaps. 397, 398.**

M. Livingstone would have been the actuarial equivalent of the value of the full pension or retirement allowance for life to which said Edwin Livingstone, Jr. would have been entitled at the time of such retirement for disability, under sections sixty-five C and sixty-five D of chapter thirty-two of the General Laws and in accordance with the provisions of Article I of Chapter III of Part the Second of the Constitution, as amended by Article LVIII of the Articles of Amendment to the Constitution. Any payments hereunder shall be in the alternative to and exclusive of any other benefit or allowance otherwise payable to said Margaret M. Livingstone from the state employees' retirement system on account of said Edwin Livingstone, Jr.

Approved October 13, 1987.

---

**Chapter 397. AN ACT CREATING A PROPERTY REHABILITATION REVOLVING LOAN PROGRAM AND SPECIAL REVENUE FUND FOR THE PURPOSES OF HOUSING REHABILITATION IN THE TOWN OF BROOKLINE.**

Be it enacted, etc., as follows:

**SECTION 1.** The board of selectmen of the town of Brookline is hereby authorized to create a property rehabilitation revolving loan program for the purpose of making loans for the rehabilitation of housing for low, moderate and middle income persons and families. Said board shall establish reasonable eligibility standards and rates to be charged for such loans.

**SECTION 2.** Notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws, the town of Brookline may establish in the town treasury a revolving fund which shall be kept separate and apart from all other monies by the treasurer and in which shall be deposited all federal or state grants or appropriations made by said town for the purposes of section one and all receipts received in connection with the operation of the property rehabilitation revolving loan program. The principal and interest thereon shall be expended at the direction of the board of selectmen without further appropriation for the purposes of said program.

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

Approved October 13, 1987.

---

**Chapter 398. AN ACT RELATIVE TO CHILD CUSTODY AND ADOPTION CASES.**

Be it enacted, etc., as follows:

---

**ACTS, 1987. - Chap. 399.**

**SECTION 1.** Paragraph (e) of section 135 of chapter 112 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 1, the words "child custody case" and inserting in place thereof the words:- case involving child custody, adoption or adoption consent.

**SECTION 2.** Paragraph (c) of the fifth paragraph of section 20B of chapter 233 of the General Laws, as so appearing, is hereby amended by inserting after the word "custody", in line 1, the words:- , adoption or adoption consent.

Approved October 13, 1987.

---

**Chapter 399. AN ACT CLARIFYING PROCEDURES IN CASES OF CIVIL MOTOR VEHICLE INFRACTIONS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 27 of chapter 90 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Said abstracts shall be made in such form, shall include such information, and shall be certified by the clerk of the court as a true abstract of the record of the court in such manner as the registrar and the administrative justices of the district court department and the Boston municipal court department shall jointly determine.

**SECTION 2.** Section 1 of chapter 90C of the General Laws, as so appearing, is hereby amended by striking out the definition of "Automobile law violation" and inserting in place thereof the following definition:-

"Automobile law violation", any violation of any statute, ordinance, by-law or regulation relating to the operation or control of motor vehicles other than a violation (1) of any rule, regulation, order, ordinance or by-law regulating the parking of motor vehicles established by any city or town or by any commission or body empowered by law to make such rules and regulations therein, or (2) of any provision of chapter one hundred and fifty-nine B. A recreation vehicle and a snow vehicle, both as defined in section twenty of chapter ninety B, and a motorized bicycle, as defined herein, shall be considered a motor vehicle for purposes of this chapter. A motor boat, as defined in section one of chapter ninety B, shall not be considered a motor vehicle for purposes of this chapter.

**SECTION 3.** Subsection (B) of section 3 of said chapter 90C, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

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 said 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 fourth court day after the date of the violation. The police chief may, from time to time, designate one person to sign all such complaints.

**SECTION 4.** Chapter 279 of the General Laws is hereby amended by striking out section 42, as so appearing, and inserting in place thereof the following section:-

Section 42. If judgment is rendered against a corporation upon an indictment or complaint under the laws of the commonwealth, or if a corporation fails to pay an assessment for a civil motor vehicle infraction as provided in chapter ninety C, the court may issue a warrant of distress to compel payment of the penalty or assessment, as the case may be, as prescribed by law, together with interest thereon if so ordered by the court.

**SECTION 5.** An automobile law violation for which a citation was issued prior to July first, nineteen hundred and eighty-six, and which qualifies as a civil motor vehicle infraction under the terms set forth in section ten of chapter thirty-five of the acts of nineteen hundred and eighty-six, shall be subject to disposition in accordance with the provisions of this section as an alternative to disposition under the criminal procedures applicable by law at the time of the violation; provided, however, that such violation has not been finally disposed of prior to the effective date of this chapter; and, provided further, that no criminal warrant regarding such citation is pending at the time the alternative disposition provided herein is applied. In such cases the court may issue to the violator a notice allowing him a period of twenty days within which to pay the amount due, which shall include the assessment due on the original citation and an additional assessment of fifteen dollars; provided, however, that if the citation involves more than one motor vehicle violation that qualifies as a civil motor vehicle infraction as herein provided, said additional assessment shall be twenty-five dollars; and provided, further, that the total additional assessment against a person who has not attained seventeen years shall

---

**ACTS, 1987. – Chap. 400.**

not exceed fifteen dollars. The provision of the first paragraph of section eight of chapter two hundred and fifty-eight B of the General Laws providing for waiver of assessment shall apply to the additional assessment provided for herein. All such additional assessments shall be collected, transmitted, and deposited in accordance with the provisions of the second paragraph of section eight of said chapter two hundred and fifty-eight B and section nine.

The notice required to be sent to the violator shall recite the date and nature of the violation and the violator's failure to pay the amount of the assessment or request a hearing in accordance with the law. Payment of the total amount owed, as indicated in the notice, shall be required in accordance with the provisions for payment set forth in the third paragraph of subsection (A) of section three of chapter ninety C of the General Laws. Said notice shall indicate said provisions for payment. A violator receiving said notice shall not be entitled to a hearing thereafter.

If the violator fails to make payment within said twenty-day period, the clerk-magistrate shall notify the registrar thereof. 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 and the justice and clerk-magistrate of the court where the action is pending shall proceed in accordance with the procedures set forth in the second paragraph of subsection (C) of said section three of said chapter ninety C and the violator shall be required to take such actions and shall be bound by the consequences of the failure to take such actions as are provided therein.

The aforementioned notice to the violator allowing a twenty-day period for payment shall inform the violator of the consequences for failure to make payment as provided in said second paragraph of said subsection (C) of said section three of said chapter ninety C.

Approved October 13, 1987.

---

**Chapter 400. AN ACT AUTHORIZING MUNICIPAL GROWTH AND DEVELOPMENT POLICY COMMITTEES.**

Be it enacted, etc., as follows:

Chapter 40 of the General Laws is hereby amended by inserting after section 4H the following section:–

Section 4I. As used in this section, the following words shall have the following meanings:–

"Balanced growth and development issues", the current and future residential, commercial and industrial development demands of municipalities; identification of needed or desirable longterm housing and economic development objectives and priorities; protection of

environmentally sensitive areas; preservation of important land and water resources; growth management land use problems, including regional transportation systems, housing, water quality, open space, recreational land and agricultural land; municipal growth management decisions; the impact of a proposed development on infrastructure, highway safety, traffic congestion, transportation systems and ability to provide municipal services; development which promotes the conservation and efficient use of natural resources, including energy, safe alternative energy resources, water, wetland, flood plains, ground water aquifers and aquifer recharge areas; and any or all of the foregoing which by its nature or location would have a significant impact upon the health, safety or welfare of citizens of more than one municipality or with respect to which more than one municipality would be significantly affected by a proposed development.

"Federal agency", any office, agency division, department, board or commission of the United States government.

"Growth and development policy committee", the committee established pursuant to this section.

"Member municipality", any city or town which establishes or becomes a member of a growth and development policy committee.

"State agency", any executive office, agency, department, board or commission of the commonwealth.

Upon a majority vote of the board of selectmen in a town or the city council and mayor in a city, any two or more municipalities may establish a growth and development policy committee for the purposes and with the powers set forth in this section. Such growth and development policy committee shall be composed of an equal number of representatives from each member municipality, but in no event shall there be less than three members representing each member municipality. Any municipality wishing to become a member of a growth and development policy committee subsequent to the initial formation thereof may do so upon a majority vote of the then existing representatives of the growth and development policy committee. Representatives of each member municipality shall be appointed by majority of the respective member municipality's board of selectmen, in the case of a town, or city council, with approval of the mayor, in the case of a city.

Staff and planning assistance may be provided to the growth and development policy committee by any board, department or agency of a member municipality. Each member municipality may appropriate funds to the growth and development policy committee for any purpose related to committee matters. The growth and development committee may accept contributions, gifts or grants from any private source or public source, including, but not limited to, any local agency, state agency or federal agency.

Each growth and development policy committee shall have the following powers: to engage in all acts and conduct for the purpose of intergovernmental planning of balanced growth and development issues; to provide mutual planning, comment and review of any balanced growth



---

**ACTS, 1987. – Chaps. 401, 402.**

and development issue which has a significant impact upon the health, safety or welfare of citizens of more than one member municipality; to research, develop, sponsor, fund and implement programs and projects designed to address balanced growth and development issues.

Approved October 13, 1987.

---

**Chapter 401. AN ACT RELATIVE TO CERTAIN INSURANCE PREMIUMS PAYABLE BY THE SURVIVING SPOUSES OF CERTAIN MUNICIPAL EMPLOYEES.**

Be it enacted, etc., as follows:

Chapter 32B of the General Laws is hereby amended by inserting after section 9D 1/2 the following section:-

Section 9D 3/4. 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, and any other city by vote of its city council, approved by the mayor; a district, except as hereinafter 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' services district by vote of the district board; a welfare district by vote of the district welfare committee; a district established under the provisions of section twenty-seven A of chapter one hundred and eleven by vote of the joint committee; may if such county, city or district has not accepted the provisions of sections nine D or nine D 1/2, provide that it will pay an amount less than one-half the amount of the premium to be paid by the surviving spouse of an insured employee or a retired employee for hospital, surgical, medical, dental and other health insurance continued as provided in section nine B. A town which has not accepted the provisions of section nine D or nine D 1/2 shall provide for such payment either by vote of the town, or by a majority of affirmative votes cast in answer to the following question which shall be printed upon the official ballot to be used at an election in said town: "Shall the town pay an amount up to one-half of the premium costs payable by the surviving spouse of an employee or retired employee for group general or blanket hospital, surgical, medical, dental or other health insurance?"

Payment of the entire premium by the surviving spouse as required by section nine B shall not apply in any governmental unit which accepts the provisions of this section.

Approved October 13, 1987.

---

**Chapter 402. AN ACT RELATIVE TO THE PAYMENT OF PROPERTY TAXES.**

---

**ACTS, 1987. – Chap. 403.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 59 of the General Laws is hereby amended by inserting after section 57A the following section:-

Section 57B. In any city or town which accepts the provisions of this section, notwithstanding the provisions of section fifty-seven, if a bill for real estate or personal property taxes, in an amount not in excess of fifty dollars, remains unpaid after November first of the fiscal year in which it is payable, or after the thirtieth day after the date on which the bill for such tax was mailed, if mailed after October first, interest at the rate of fourteen per cent per annum computed from October first, or from the date the bill for such tax was mailed, if mailed after October first, shall be paid on such unpaid tax.

**SECTION 2.** This act shall be effective for fiscal years commencing on or after the date of acceptance of its provisions by a city or town.

Approved October 13, 1987.

---

**Chapter 403. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY CERTAIN LAND IN THE TOWN OF FOXBOROUGH TO THE FOXBOROUGH HOUSING AUTHORITY.**

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 to forty J, inclusive, of chapter seven of the General Laws, to sell and convey by deed approved as to form by the attorney general, for consideration of one dollar, a certain parcel of land and the buildings thereon, all under the control of the department of mental health, located in the town of Foxborough, to the Foxborough Housing Authority for the purposes of constructing low or mixed income housing and housing for the mentally or physically handicapped, subject to the requirements of sections two and three and to such additional terms and conditions as the deputy commissioner may prescribe in consultation with the department of mental health.

Said parcel is bounded and described as follows:-

Beginning at a point on the southeasterly line of Walnut Street, said point being the northeast corner of the premises; thence running southeast by land now or formerly of the Trustees of the Norwood Hospital to a point on the westerly line of Interstate Highway 95; thence running southwesterly and westerly along the line of Interstate 95 to a point at the easterly line of Route 140; thence northerly and northeasterly along the easterly line of Route 140 to a point on the southeasterly line of Walnut St.; thence northeasterly along the southeasterly line of Walnut Street to the point of beginning.

---

**ACTS, 1987. – Chaps. 404, 405.**

The above described parcel contains approximately twenty acres and will be more particularly shown on a plan of the property to be prepared by the Foxborough Housing Authority to be submitted to the division of capital planning and operations.

**SECTION 2.** In the event that the above described parcel is not used for the purposes described in section one within five years of the effective date of this act, or if the Foxborough Housing Authority ceases to use the parcel for such purposes at any time, the parcel shall revert to the commonwealth under such terms and conditions as the deputy commissioner may prescribe.

**SECTION 3.** The recipient of said parcel will assume the costs of appraisals, surveys, or other expenses as deemed necessary by the deputy commissioner for the conveyance of this property.

Approved October 13, 1987.

---

**Chapter 404. AN ACT INCREASING THE PENALTY FOR OWNING OR KEEPING DOGS WHICH ARE NOT LICENSED AND KEPT IN ACCORDANCE WITH LAW.**

Be it enacted, etc., as follows:

Section 141 of chapter 140 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 4, the words "five nor more than fifteen" and inserting in place thereof the word:– twenty-five.

Approved October 13, 1987.

---

**Chapter 405. AN ACT ABOLISHING THE REDEVELOPMENT AUTHORITY OF THE CITY KNOWN AS THE TOWN OF WATERTOWN AND VESTING ITS POWERS IN SAID TOWN.**

Be it enacted, etc., as follows:

**SECTION 1.** The Watertown Redevelopment Authority established by a vote of the town meeting on February tenth, nineteen hundred and sixty-six, pursuant to the General Laws is hereby abolished.

**SECTION 2.** The town of Watertown, hereinafter called the town, shall assume all rights, obligations, contracts, title to property, assets, liabilities, including outstanding litigation and responsibilities of the Watertown redevelopment authority, hereinafter called the authority. All bonded indebtedness of the authority shall become the responsibility

of the town and, where necessary, the consent of the secretary of communities and development shall be required to transfer any outstanding bonds.

All petitions, hearings, actions at law or in equity, or other proceedings pending immediately prior to the effective date of this act before any court of law or any administrative tribunal shall continue unabated as if no reorganization has been effected and shall be the responsibility of the town.

All orders, rules, and regulations duly promulgated by the authority prior to the effective date of this act relating to the execution of urban renewal projects shall remain in full force and effect until superseded, revised, or rescinded in accordance with the law.

All contracts and obligations of the authority in connection with the execution of urban renewal projects duly in effect immediately prior to the effective date of this act shall continue in full force and effect and shall be contracts and obligations of the town.

All rights, title and interest in any real property held in the name of the authority shall be transferred to the town.

**SECTION 3.** It is hereby declared that:

(a) substandard, decadent or blighted open areas exist in the town and that each of such areas constitutes serious and growing menace, injurious to the safety, health, and welfare of the residents of the town;

(b) that the existence of each of such areas necessitates an excessive and disproportionate expenditure of public funds for the preservation of the public health and safety, for crime prevention, for the maintenance of adequate police, fire and accident protection and other public services and facilities, constitutes an economic and social liability, substantially impairs or arrests the sound growth of the town, and retards the provision of housing accommodations;

(c) that each of such areas decreases the value of private investments and threatens the sources of public revenue and the financial stability of the town;

(d) that because of the economic and social interdependence of the town with neighboring communities the redevelopment of land not only in substandard areas but also in decadent and blighted open areas in accordance with a comprehensive plan to promote the sound growth of the town is necessary in order to achieve permanent and comprehensive elimination of substandard conditions and to prevent the recurrence of such conditions or their development in other parts of the town;

(e) that the redevelopment of blighted open areas promotes the clearance of substandard and decadent areas and prevents their creation and occurrence;

(f) that the menace of such substandard, decadent or blighted open areas is beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids herein provided;

(g) that the acquisition of property for the purpose of eliminating

---

**ACTS, 1987. - Chap. 405.**

substandard, decadent or blighted open conditions thereon and preventing occurrence of such conditions in the area, the removal of structures and improvement of sites, and disposition of the property for redevelopment incidental to the foregoing, and the exercise of powers by the town and any assistance which may be given by the commonwealth or any other public body in connection therewith, are public uses and purposes for which public money may be expended and the power of eminent domain exercised;

(h) that a public exigency exists which makes the acquisition, planning, clearance, rehabilitation or rebuilding of such substandard, decadent or blighted open areas for residential and appurtenant or incidental facilities a public use and benefit for which private property may be acquired by eminent domain or regulated by wholesome and reasonable orders, laws and directions; and the necessity in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination;

(i) that in many areas throughout the town there is a shortage of decent, safe and sanitary dwelling properly planned and related to facilities for governmental, social, business, commercial, cultural and recreational purposes; that this condition is most extreme in areas where substandard, decadent or blighted open areas exist; that the aforesaid conditions cannot be corrected by the ordinary operations of private enterprise without the aids herein provided; and

(j) that the provisions of this act will stimulate the investment of private capital in projects for the assembly and clearance of land in substandard, decadent or blighted open areas, and in the construction, maintenance and operation of such land of needed decent, safe and sanitary dwellings properly planned and related to adequate and convenient appurtenant and incidental facilities; that the construction, maintenance and operation of such facilities on such land in such areas will assist in achieving permanent and comprehensive elimination of substandard conditions and in preventing the recurrence of such conditions not only by reason of the clearance and redevelopment of such land but also by reason of its future utilization for decent, safe and sanitary housing.

**SECTION 4.** The town shall have the same functions, rights, powers, privileges and immunities and be subject to the same duties and obligations as provided by law in the case of a redevelopment authority and the members thereof in carrying out land assembly and redevelopment projects, community development projects and urban renewal projects and all the provisions of law applicable to redevelopment authorities in cities and towns, except as specifically provided by this act, with respect to land assembly and redevelopment projects shall be applicable to the town; and the power to initiate and carry out land assembly and redevelopment projects, community development projects and urban renewal projects in the town shall thereafter be vested solely in the town. Further, the town shall have the following powers which are specifically granted to redevelopment authorities:

---

ACTS, 1987. - Chap. 405.

(a) To conduct investigations and disseminate information relative to housing and living conditions, economic matters and on any other subject which is deemed by it to be material in connection with its powers and duties.

(b) To determine what areas within its jurisdiction constitute substandard, decadent or blighted open areas and to prepare plans for clearance thereon.

(c) To engage in land assembly and redevelopment projects and urban renewal projects.

(d) To take by *eminent domain* under chapter seventy-nine or chapter eighty A of the General Laws, or to purchase or lease or to acquire by gift, bequest or grant, and hold, any property real or personal, or any interest therein, found by it to be necessary or reasonably required to carry out the purposes of this act, or any of its sections, and to sell, exchange, transfer or assign the same; provided, that in case of taking by eminent domain under said chapter seventy-nine, the provisions of section forty of said chapter seventy-nine shall be applicable, except that the security therein required shall be deposited with the treasurer of the town.

(e) To clear and improve any property so acquired.

(f) To engage in or contract for the construction, reconstruction, alteration, remodeling or repair of any clearance, relocation, community development urban renewal or rehabilitation project which it is authorized to undertake.

(g) To make relocation payments to persons and businesses displaced as a result of carrying out any such project.

(h) To act as agent of, or to cooperate with the state or federal government in any clearance, land assembly and redevelopment, community development, or urban renewal project or other public improvement involving the demolition of dwelling units whenever such a land assembly and redevelopment, community development or urban renewal project or other public improvement is determined upon and the town finds that there exists in the town an acute shortage of housing and there are no adequate means available for immediate relocation of persons and families displaced from the project area.

(i) In addition to the borrowing authority conferred upon the town by the General Laws, to borrow for the purposes of paying all or any part of the costs incurred pursuant to this act, exclusive of the current maintenance and operating expenses, as from time to time such sums may be necessary, upon the security of its bonds, notes or other evidences of indebtedness and to secure the same by mortgages upon property held or to be held by it or by pledge of its revenue under this act, including without limitation grants and contributions by the federal government, or in any other lawful manner in connection with the incurrence of any indebtedness, to covenant that it shall not thereafter mortgage or pledge the whole or any specified part of its property or its revenues.

(j) To receive loans, grants and annual or other contributions from the federal government or from any other source, public or private.

---

**ACTS, 1987. - Chap. 405.**

All of the provisions of chapters one hundred and twenty-one A and one hundred and twenty-one B of the General Laws which pertain to redevelopment authorities in cities and towns which are not inconsistent with this act shall apply to the town, but in the event that there is a conflict between any provision of this act and said chapters one hundred and twenty-one A and one hundred and twenty-one B, insofar as applicable to redevelopment authorities, the provisions of this act shall govern.

**SECTION 5.** All books, papers, records, documents, plans and personal property of any kind in the custody or possession of the authority immediately prior to the effective date of this act shall be transferred to the custody and control of the town.

**SECTION 6.** The town shall be deemed an operating agency for the purposes of sections twelve to sixteen, inclusive and section twenty of chapter one hundred and twenty-one B of the General Laws.

**SECTION 7.** The bonds, notes and certificates of indebtedness issued under clause (i) of section four of this act, in the absence of an express recital to the contrary on the face thereof, shall constitute negotiable instruments for all purposes. They may be payable from a specific part or parts of the income of the town or constitute a general obligation thereof, may be sold at not less than par, at public or private sale, may mature at such time or times, may be secured in such manner, may provide for such rights and remedies upon their default and may contain such other covenants, terms and conditions not inconsistent with law all as may be authorized by order of the town council, and shall be signed by the town manager and by the treasurer and collector.

The bonds, notes and certificates of indebtedness of the town issued under clause (i) of section four of this act and the interest thereon shall be exempt from taxation with respect to principal and income. Bonds of the town issued under the said clause (i) shall be legal investments for the deposits and the income derived therefrom of savings banks, for the trust funds of trust companies, and for funds over which the commonwealth has exclusive control.

**SECTION 8.** The town may obligate itself, in any contract with the federal government for a loan or the payment of annual contributions authorized by section four of this act, to convey to the federal 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 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 of the 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 city the project in the condition in which it then exists. The obligation of the town under such contract shall be subject to specific enforcement by any court having jurisdiction, and, notwithstanding any other provision of the law, shall not be deemed to constitute a mortgage.

**SECTION 9.** For the purpose of complying with the condition of federal and state legislation, the town may, upon such terms, and with or without consideration, do or agree to do any or all of the following:

(a) sell, convey, or lease any of its interests in any property, or grant easements, licenses or any other rights or privileges therein to the federal government;

(b) cause parks, playgrounds, or schools, or water, sewer or drainage facilities, or any other public improvements which it is otherwise authorized to undertake, to be laid out, constructed or furnished adjacent to or in connection with a housing, clearance, relocation, urban renewal, rehabilitation or community development project;

(c) lay out and construct, alter, relocate, change the grade of, make specific repairs upon or discontinue, public ways and construct sidewalks, adjacent to or through a housing, clearance, relocation, urban renewal, rehabilitation or community development project;

(d) establish exceptions to existing ordinances regulating the design, construction and use of buildings; annul or modify any action taken or map adopted under sections eighty-one A to eighty-one J, inclusive, of chapter forty-one of the General Laws;

(e) cause public improvements to be made and service facilities to be furnished with respect to a housing, clearance, relocation, urban renewal, rehabilitation or community development project for which betterments or special assessments may be levied or charges made, and assume such betterments, assessments or charges;

(f) cause private ways, sidewalks, footpaths, ways for vehicular travel, playgrounds, or water, sewer or drainage facilities and similar improvements to be constructed or furnished within the site of a project for the particular use of the project or of those dwelling therein; and

(g) do any and all other things necessary or convenient to aid and cooperate in the planning, construction or operation of housing, clearance, relocation, urban renewal, rehabilitation or community development project within its limits.

The entering of a contract under this section between the town and the state or federal government shall not be subject to any provision of law relating to publication or to advertising for bids.

**SECTION 10.** This act shall take effect on November first, nineteen hundred and eighty-seven.

Approved October 13, 1987.



**Chapter 406. AN ACT RELATIVE TO THE PROCEEDS OF CERTAIN BONDS OR NOTES FOR SEWERAGE PURPOSES BY THE LEICESTER WATER SUPPLY DISTRICT.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of section twenty of chapter forty-four of the General Laws, chapter one hundred and eighty-one of the acts of eighteen hundred and ninety-three or any other general or special law to the contrary, project costs financed by the proceeds of bonds or notes issued by the Leicester Water Supply District for the purpose of constructing sewers, sewerage systems and sewage treatment and disposal facilities may include interest on temporary notes in anticipation of bonds or notes or of federal or state aid, that is paid or payable during the period of design and construction of the project and for not more than one year after completion of such construction, as shall be determined by the board of water commissioners.

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

Approved October 20, 1987.

---

**Chapter 407. AN ACT DIRECTING THE CITY OF CHELSEA TO GRANT A CERTAIN PENSION TO LESLIE A. HASKELL.**

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 retirement board of the city of Chelsea is hereby authorized and directed to retire police officer Leslie A. Haskell, of the police department of the city of Chelsea, who is totally and permanently incapacitated for further service as a police officer. The annual amount of pension payable to said Leslie A. Haskell shall be fixed in an amount equal to the regular rate of benefits that he would have been paid had he been retired for ordinary disability pursuant to section six of chapter thirty-two of the General Laws. The annual pension payable by said city to said Leslie A. Haskell 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 Leslie A. Haskell 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. Said Leslie A. Haskell shall also be entitled to and shall receive all other benefits, such as medical insurance coverage, received by individuals now retired under section six of said chapter thirty-two.

---

**ACTS, 1987. - Chap. 408.**

**SECTION 2.** Benefits payable hereunder shall date from the passage of this act and shall not be retroactive to any past date.

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

Approved October 20, 1987.

---

**Chapter 408. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF SANDWICH.**

Be it enacted, etc., as follows:

**SECTION 1.** Any holder of an elected office in the town of Sandwich may be recalled therefrom by the qualified voters of the town as herein provided.

**SECTION 2.** Any ten qualified voters of the town of Sandwich 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 petition blanks demanding such recall, 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 and shall be dated and addressed to the selectmen of said town. Said blanks shall contain the name of the person to whom issued, the number of blanks to be issued, the name of the person sought to be recalled, the office from which removal 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 twenty days after filing of the affidavit. Said petition before being returned and filed shall be signed by twenty-five 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 said recall petition shall be submitted to the town clerk by three o'clock p.m. on the Friday preceding the day 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 of said town.

**SECTION 3.** If the petition shall be found and certified by said town clerk to be sufficient, he shall submit the same with his certificate to the selectmen, without delay, and said selectmen shall forthwith give written notice of receipt of said certificate to the officer against whom recall is being sought. If the officer does not resign within five days thereafter, said selectmen shall order an election to be held on a date fixed by them not less than sixty days and not more than ninety days after the date of the town clerk's certificate that a sufficient petition

---

**ACTS, 1987. – Chap. 408.**

has been filed; provided, however, that if another town election is to occur within one hundred days after the date of the certificate the selectmen may, in their discretion, postpone the holding of said 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 removed may be a candidate to succeed himself and, unless he requests otherwise in writing, the town clerk shall place his name on the 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 by this act.

**SECTION 5.** The incumbent shall continue to perform the duties of his office until the recall election. If then reelected, he shall continue in the office for the remainder of his unexpired term, subject to recall as before, except as provided in this act. If not reelected 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 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 the said propositions. Under the proposition shall appear the word "Candidates", the directions to voters required by section forty-two of chapter fifty-four of the General Laws, beneath this the names of candidates nominated as hereinbefore provided. 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; provided that at least forty per cent of those entitled to vote shall have voted. If a majority of votes on the question is in the negative, the ballot for candidates need not be counted.

**SECTION 7.** No recall petition shall be filed against an officer within six months after he takes office, nor, in case of an officer subject 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 8.** This act shall take effect upon its passage.

Approved October 20, 1987.

**Chapter 409. AN ACT PROVIDING RELIEF TO CITIES AND TOWNS  
DAMAGED BY THE STORM OF JANUARY SECOND,  
NINETEEN HUNDRED AND EIGHTY-SEVEN.**

Be it enacted, etc., as follows:

**SECTION 1.** To provide for disaster relief and meet the expenses of public services incurred as a result of the storm which struck the commonwealth on January second, nineteen hundred and eighty-seven, 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 ninety-nine of the acts of nineteen hundred and eighty-seven.

**SECTION 2.** Section 2 of chapter 199 of the acts of 1987 is hereby amended by inserting after line item 1599-3526 the following line item:

1599-3530 For the purpose of providing disaster relief relating to the damage caused by the storm which struck the commonwealth on January second, nineteen hundred and eighty-seven, including but not limited to the clean-up, repair, rebuilding, and restoration of beaches, shores, seawalls, and roads, and with the understanding that the figures below represent approximately eighty-seven and one-half per cent of the cost of the total damages certified by the civil defense agency and the office of emergency preparedness:

Newbury	34,374	
Salisbury	15,823	
Newburyport	12,063	
Rockport	105,000	
Manchester	136,238	
Swampscott	441,875	
Revere	13,098	
Winthrop	25,407	
Quincy	136,062	
Hull	616,172	
Cohasset	2,188	
Scituate	953,311	
Marshfield	376,846	
Brewster	22,409	
Provincetown	10,675	
Yarmouth	8,506	
Plymouth	91,875	
		3,001,922
Local Aid Fund	100.0%	

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

---

**ACTS, 1987. – Chaps. 410, 411, 412.**

**Chapter 410. AN ACT RELATIVE TO THE TAXATION OF CERTAIN LAND IN THE TOWN OF ASHLAND.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of section eleven of chapter fifty-nine of the General Laws, or any other general or special law to the contrary, the town of Ashland shall assess such taxes as are applicable to the common land directly to the beneficiaries of the Great Bend Farm Trust, which common land is subject to a conservation restriction pursuant to section thirty-one of chapter one hundred and eighty-four of the General Laws; the assessors shall allocate the value of such common land proportionately among the lot owners in the cluster development and assess the value to each lot owner, and not assess such land as a separate parcel.

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

Approved October 20, 1987.

---

**Chapter 411. AN ACT PROHIBITING INMATES FROM BRINGING CERTAIN ARTICLES INTO CORRECTIONAL INSTITUTIONS UPON RETURN FROM FURLOUGH OR A WORK PROGRAM.**

Be it enacted, etc., as follows:

Section 31 of chapter 268 of the General Laws is hereby amended by adding the following paragraph:-

Any inmate of a correctional institution who, upon returning from a furlough or a work program, brings or attempts to bring into said institution an illegal drug, gun, knife or other similar weapon as defined in section ten of chapter two hundred and sixty-nine of the General Laws, shall be punished by an additional sentence of not less than seven nor more than ten years in state prison.

Approved October 20, 1987.

---

**Chapter 412. AN ACT FURTHER REGULATING THE POWERS OF THE LABOR RELATIONS COMMISSION.**

Be it enacted, etc., as follows:

The fourth paragraph of section 11 of chapter 150E of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following sentence:- The commencement of such proceedings shall not, unless specifically ordered by the court, operate as a stay of the commission's order.

---

**ACTS, 1987. – Chaps. 413, 414, 415.**

**Chapter 413. AN ACT AUTHORIZING HOUSING AUTHORITIES TO CONDUCT AUDITS ANNUALLY OR BIENNIALLY.**

Be it enacted, etc., as follows:

Section 34 of chapter 121B of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following two sentences:– Commencing with the first of January, nineteen hundred and eighty-seven, housing authorities which have received federal financial assistance may satisfy the requirements of the Single Audit Act of 1984, 31 USC 7501 et seq. by causing audits of its records to be made annually or biennially by an independent auditor to be selected by such housing authorities to conduct such audits. Any housing authority acting under the requirements of this section, which submits to the office of the state auditor an audit which the state auditor deems to be financially suspect, deficient, or inconsistent with prescribed standards set forth by the department shall cause an audit to be made of its accounts on an annual basis for the three successive years following the audit in question.

Approved October 20, 1987.

---

**Chapter 414. AN ACT RELATIVE TO THE POWERS OF THE BOARD OF REGISTRATION IN PHARMACY.**

Be it enacted, etc., as follows:

Section 27 of chapter 112 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:– Any complaints which are the result of a conviction by a court of competent jurisdiction shall be made within twelve months from the date such a conviction becomes known to the board.

Approved October 20, 1987.

---

**Chapter 415. AN ACT FURTHER REGULATING DISCRIMINATION IN PUBLIC EMPLOYMENT IN THE COMMONWEALTH.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 32 of the General Laws is hereby amended by inserting after section 90G the following section:–

Section 90H. Any member in service, classified in an occupation or position classification in Group 2 or Group 4, except such occupations or position classifications as shall be excepted by the personnel administrator, after consultation with the secretary of the executive

office of public safety, where said administrator determines by regulation that age is a bona fide occupational qualification, shall continue in service; at such member's option, notwithstanding the fact that he has attained age sixty-five; provided, however, that he is mentally and physically capable of performing the duties of his office or position. Any such member between age sixty-five and seventy shall certify annually to the retirement board his continuing capacity to perform said duties; provided, however, that the appointing authority may require such member to be examined by an impartial physician designated by the retirement authority to determine such capability. Any such member after age seventy shall annually, at his own expense, be examined by an impartial physician designated by the retirement authority to determine such member's continuing capability of performing the duties of his office or position. Deductions shall be made from the regular compensation of any such member between age sixty-five and seventy and upon retirement such member shall receive a superannuation retirement allowance, or a veteran's pension allowance, as applicable, equal to that to which he would have been entitled had he retired at age seventy or any earlier age upon which he actually retires. Any member between age sixty-five and seventy subject to an examination by an impartial physician pursuant to this section, who is not capable of continuing in service, shall be retired pursuant to this chapter for superannuation. An individual who is retired because he is found not capable of continuing to perform his duties shall not be presumed by virtue of such involuntary retirement to be disabled for pension purposes.

**SECTION 2.** Notwithstanding the provisions of section one, no member in the occupation or position classification of uniformed member of a paid fire department or uniformed member of a police department, or of the police force of the metropolitan district commission, or of the police force of the Massachusetts Bay Transportation Authority, or the capitol police, or member of the state police detectives appointed under section six of chapter twenty-two, or member of the uniformed branch of the registry of motor vehicles or department of fisheries and wildlife, as determined by the personnel administrator, or correctional officer, or permanent crash crewman, crash boatman, fire controlman, or assistant fire controlman employed at the General Edward Lawrence Logan International Airport, shall continue in service beyond the last day of the month in which he attains the age of sixty-five unless the personnel administrator, after consultation with the secretary of the executive office of public safety, shall have determined by regulation that age is not a reasonably necessary bona fide occupational qualification for service in said occupations or position classifications. For the purpose of promulgating the regulations provided for in this act, the personnel administrator shall conduct a study, to be completed not later than one year from the effective date of this act, to determine whether age continues to be a reasonably necessary bona fide occupational qualification for service in said occupations or position classifications.

---

**ACTS, 1987. - Chap~~s~~ 416, 417.**

Upon completion of said study, the personnel administrator shall conduct a further study to determine whether age is a reasonably necessary bona fide occupational qualification for service in any other occupations or position classifications set forth in Group 2 or Group 4 of clause (g) of subdivision (2) of section three of chapter thirty-two of the General Laws.

Approved October 20, 1987.

EMERGENCY LETTER: December 31, 1987 @ 9:05 A.M.

---

**Chapter 416. AN ACT REQUIRING RESTITUTION FOR THE MALICIOUS DESTRUCTION OF CERTAIN PUBLIC PROPERTY.**

Be it enacted, etc., as follows:

Chapter 266 of the General Laws is hereby amended by striking out section 94, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 94. Whoever wilfully, intentionally and without right breaks down, injures, removes or destroys a monument erected for the purpose of designating the boundaries of a town or of a tract or lot of land, or a tree which has been marked for that purpose, or so breaks down, injures, removes or destroys a milestone, mileboard or guideboard erected upon a public way or railroad, or wilfully, intentionally and without right defaces or alters the inscription on any such stone or board, or wilfully, intentionally and without right mars or defaces a building or signboard, or extinguishes a light or breaks, destroys or removes a lamp, lamp post, railing or post erected on a bridge, sidewalk, public way, court or passage, or wilfully, intentionally and without right defaces or otherwise injures, removes, interferes with or destroys any traffic regulating sign, light, signal, marking or device lawfully erected or placed under public authority on any public way, shall be punished by imprisonment for not more than six months or by a fine of not more than two hundred dollars. Any person convicted under the provisions of this section shall, in addition to any imprisonment or fine, make restitution.

Approved October 20, 1987.

---

**Chapter 417. AN ACT RELATIVE TO THE SALARIES OF THE MEMBERS OF THE BOSTON LICENSING BOARD.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 291 of the acts of 1906 is hereby amended by striking out section 2, as most recently amended by section 1 of chapter 78 of the acts of 1983, and inserting in place thereof the following section:-



---

**ACTS, 1987. - Chaps. 418, 419.**

Section 2. The annual salary of the chairman of said board shall be fifty-two thousand dollars and that of each of the other two members, fifty thousand dollars, and that of the secretary fifty thousand dollars. Such salaries shall be paid in monthly installments by the city of Boston.

**SECTION 2.** This act shall take effect as of January first, nineteen hundred and eighty-seven.

Approved October 20, 1987.

---

**Chapter 418. AN ACT RELATIVE TO THE STATUTE OF LIMITATIONS.**

Be it enacted, etc., as follows:

Section 4 of chapter 260 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Actions of contract or tort for malpractice, error or mistake against attorneys, certified public accountants and public accountants, actions for assault and battery, false imprisonment, slander, libel, actions against sheriffs, deputy sheriffs, constables or assignees in insolvency for the taking or conversion of personal property, actions of tort for injuries to the person against counties, cities and towns, and actions of contract or tort for malpractice, error or mistake against hairdressers, operators and shops registered under sections eighty-seven T to eighty-seven JJ, inclusive of chapter one hundred and twelve, actions of tort for bodily injuries or for death the payment of judgments in which is required to be secured by chapter ninety and also actions of tort for bodily injuries or for death or for damage to property against officers and employees of the commonwealth, of the metropolitan district commission, and of any county, city or town, arising out of the operation of motor or other vehicles owned by the commonwealth, including those under the control of said commission, or by any such county, city or town, suits by judgment creditors in such actions of tort under section one hundred and thirteen of chapter one hundred and seventy-five and clause (9) of section three of chapter two hundred and fourteen and suits on motor vehicle liability bonds under section thirty-four G of said chapter ninety shall be commenced only within three years next after the cause of action accrues.

Approved October 20, 1987.

---

**Chapter 419. AN ACT FURTHER REGULATING LIABILITY INSURANCE FOR PERMANENT AMUSEMENT PARKS.**

Be it enacted, etc., as follows:

---

**ACTS, 1987. - Chaps. 420, 421.**

Section 205A of chapter 140 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the eighth paragraph and inserting in place thereof the following paragraph:-

The provisions of this section shall not apply to amusement parks of a permanent nature, recreational tramways, as defined by section seventy-one I of chapter one hundred and forty-three, or manually operated amusement rides with coin devices; provided, however, that the operator of any such park or ride shall furnish to the commissioner proof that all amusement devices in such park are covered for an amount of at least one million dollars for combined single limit bodily injury and property damage and which meet the rules and regulations as established by the commissioner under this section. Proof of coverage shall include, but not be limited to, proof of liability insurance issued by an insurance company approved to do business within the commonwealth, or a bond, security or other type of indemnity against liability providing substantially equivalent coverage.

Approved October 20, 1987.

---

**Chapter 420. AN ACT RELATIVE TO THE REMOVAL OF ARCHITECTURAL BARRIERS.**

Be it enacted, etc., as follows:

Section 22B of chapter 40 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "part", in line 9, the words:- and pay for the removal of architectural barriers in public facilities in accordance with the provisions of section thirteen A of chapter twenty-two.

Approved October 20, 1987.

---

**Chapter 421. AN ACT FURTHER REGULATING LAND COURT JURISDICTION.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 1 of chapter 185 of the General Laws is hereby amended by striking out paragraph (k), as appearing in the 1986 Official Edition, and inserting in place thereof the following paragraph:-

(k) All cases and matters cognizable under the general principles of equity jurisprudence where any right, title or interest in land is involved, including appeals brought pursuant to the provisions of section eighty-one BB of chapter forty-one, except actions for specific performance of contracts.

**SECTION 2.** Said section 1 of said chapter 185 is hereby further

amended by adding the following paragraph:-

(p) Actions brought pursuant to the provisions of section seventeen of chapter forty A.

Approved October 20, 1987.

---

**Chapter 422. AN ACT RELATIVE TO CERTAIN PERSONAL LOANS  
MADE BY CREDIT UNIONS.**

Be it enacted, etc., as follows:

Subdivision (A) of section 24 of chapter 171 of the General Laws is hereby amended by striking out paragraph 3, as appearing in the 1986 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 ninety-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 forty thousand dollars. Each such loan made under this paragraph shall be payable within sixty months from the date of the note.

Approved October 20, 1987.

---

**Chapter 423. AN ACT AUTHORIZING THE DIVISION OF CAPITAL  
PLANNING AND OPERATIONS TO CONVEY A  
CERTAIN PARCEL OF LAND IN THE CITY OF  
NEWBURYPORT UNDER THE CONTROL OF THE  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
TO THE NEWBURYPORT HOUSING AUTHORITY.**

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 to 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 forest and park land and a permanent easement located in the city of Newburyport, to the Newburyport Housing Authority, subject to the requirements of sections two to five, inclusive, of this act and to such additional terms and conditions as the deputy commissioner may prescribe, in consultation with the department

of environmental management, said land being bounded and described as follows:–

Beginning at a point in the westerly sideline of the former Boston and Maine Railroad (now the Massachusetts Bay Transportation Authority) at the northeasterly corner of the granted premises, said point being four hundred seventy-five and ninety-six hundredths feet (475.96) south of the intersection of the southerly sideline of High Street with the westerly sideline of the said former Railroad; thence

S 17° 30' 51" W a distance of thirty-eight and twenty-nine hundredths feet (38.29) to a point; thence

S 16° 38' 51" W a distance of seventy-five and seventeen hundredths feet (75.17) to a point; thence

S 15° 34' 51" W a distance of one hundred twenty-four and six hundredths feet (124.06) to a point at other land of the grantor, the Massachusetts Department of Environmental Management, Division of Forests and Parks; the previous three courses bounding on land of the said M.B.T.A.; thence

N 68° 43' 09" W a distance of forty-nine and twenty-six hundredths feet (49.26) to a point; thence

N 33° 41' 19" W a distance of thirty-seven and forty-three hundredths feet (37.43) to a point; thence

N 64° 41' 35" W a distance of one hundred sixty-seven and twenty-seven hundredths feet (167.27) to a point; thence

N 25° 21' 41" E a distance of eighty-nine and eighty-nine hundredths feet to a point at land of Kelleher; the previous four (4) courses bounding on other land of the said grantor; thence

N 26° 52' 51" E a distance of one hundred twenty-six and two hundredths feet (126.02) to a point at land of Carey; the last course bounding on land of Kelleher; thence

S 63° 34' 09" E a distance of two hundred eight and forty-six hundredths feet (208.46) to the point of beginning; the previous course bounding on land of Carey, on land of Croteau, and land of the grantee, the City of Newburyport. The above described parcel of land contains an area of forty-nine thousand nine hundred eighty-four square feet plus or minus (49,984+-) and is more particularly shown as Lot 1 on a plan entitled: "PLAN OF LAND IN NEWBURYPORT MA. JUNE 23, 1987 SCALE 1"=60' PORT ENGINEERING ASSOCS. INC. ONE HARRIS STREET NEWBURYPORT MA. OWNER MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, DIVISION OF FORESTS AND PARKS."

Also an access easement across other land of the grantor situated on the north side of Low Street in the City of Newburyport; bounded and described as follows:

Beginning at a point in the northerly sideline of Low Street in the City of Newburyport at the southwesterly corner of the granted premises at land of Low Street Associates shown on Landcourt Case 6154; thence

N 27° 59' 31" E a distance of five hundred twenty-eight and ninety-two hundredths feet (528.92) to a point; thence

N 27° 40' 41" E a distance of two hundred fifteen and eighteen

hundredths feet (215.18) to a point at land of Kelleher; the previous two (2) courses bounding on land of Low Street Associates; thence

S 66° 25' 29" E a distance of one hundred thirty-eight and fifteen hundredths feet (138.15) to a point at the above mentioned Lot 1; the previous course bounding on land of Kelleher; thence

S 25° 21' 41" W a distance of eighty-nine and eighty-nine hundredths feet (89.89) to a point at land of the grantor, the previous course bounding on the above mentioned Lot 1; thence

N 64° 41' 35" W a distance of one hundred one and fifty-two hundredths feet (101.52) to a point; thence.

S 27° 40' 41" W a distance of one hundred thirty-one and sixteen hundredths feet (131.16) to a point; thence

S 27° 59' 31" W a distance of five hundred sixteen and ninety-eight hundredths feet (516.98) to a point in the northerly sideline of Low street; the previous three (3) courses bounding by land of the grantor; thence

N 78° 46' 09" W a distance of forty-one and seventy-seven hundredths feet to the point of beginning; the previous course bounding on said street. The above described easement is more particularly shown on the above mentioned plan.

Also a twenty foot (20) utility easement situated on the northerly sideline of Low Street in Newburyport Massachusetts bounded and described as follows: Beginning at a point in the northerly sideline of Low Street in the City of Newburyport at the southeasterly corner of the granted easement at land of Gilman; thence

N 78° 15' 30" W a distance of twenty and sixty-two hundredths feet (20.62) to a point at land of the grantor, the Massachusetts Department of Environmental Management; the previous course bounding on said street; thence

N 25° 49' 31" E a distance of three hundred sixty-seven and nine hundredths feet to a point; thence

N 30° 18' 34" E a distance of one hundred seventy-nine and two hundredths feet (179.02) to a point at the above described Lot 1; the previous two (2) courses bounded by land of the said grantor; thence

S 68° 43' 09" E a distance of twenty and twenty-five hundredths feet (20.25) to a point at land of the grantor; the previous course bounding by the above mentioned Lot 1; thence

S 30° 18' 34" W a distance of one hundred eighty-one and forty-two hundredths feet (181.42) to a point at land of Gilman; the previous course bounding on land of the said grantor; thence

S 25° 49' 31" W a distance of three hundred sixty-one and twenty-nine hundredths feet (361.29) to the point of beginning; the previous course bounding by land of Gilman.

The above described easement is more particularly shown on the above mentioned plan.

**SECTION 2.** No deed conveying by or on behalf of the commonwealth the property described in section one shall be valid unless such deed provides that said property shall be used for public housing purposes,

---

**ACTS, 1987. – Chaps. 424, 425.**

roadway access, and the laying out and maintenance of utilities in accordance herewith.

**SECTION 3.** The recipient of said parcel and easement shall assume the costs of appraisals, surveys and other expenses as deemed necessary by the deputy commissioner for the conveyance of said parcel and easement.

**SECTION 4.** In the event that the parcel or the easements described in section one are not used for the purposes described in section two within five years of the effective date of this act, or if the Newburyport Housing Authority ceases to use the parcel for such purposes at any time, the parcel shall revert to the commonwealth under such terms and conditions as the deputy commissioner may prescribe.

**SECTION 5.** Construction of the roadway referred to in section two shall be completed according to plans and specifications approved by the deputy commissioner, in consultation with the department of environmental management. Material interruption of public use of the Henry Graf, Jr. skating rink shall be avoided by approval of a schedule of construction by the deputy commissioner, in consultation with the department of environmental management.

Approved October 20, 1987.

---

**Chapter 424. AN ACT REGULATING AGREEMENTS BETWEEN SELLERS OF PROPANE GAS AND HOMEOWNERS.**

Be it enacted, etc., as follows:

Chapter 93 of the General Laws is hereby amended by adding the following section:—

Section 94. A contract or agreement between a propane gas dealer and a real property owner for the purchase and sale of propane gas shall not be binding upon or enforceable against a subsequent purchaser of said real property.

Approved October 20, 1987.

---

**Chapter 425. AN ACT AUTHORIZING THE TOWN OF MIDDLEBOROUGH TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES TO KURT PETZOLD.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventeen of chapter one

---

**ACTS, 1987. - Chap. 426.**

hundred and thirty-eight of the General Laws, the licensing authority of the town of Middleborough is hereby authorized to issue 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 to Kurt Petzold d/b/a Kurt's Corner. 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 for a period of one year; and provided further the total number of licenses for the sale of wine and malt beverages not to be drunk on the premises that the local licensing authority may issue pursuant to said section seventeen shall be reduced by one.

Approved October 20, 1987.

---

**Chapter 426. AN ACT AUTHORIZING HAMPDEN COUNTY TO BORROW MONEY FOR CONSTRUCTING AND EQUIPPING A COURT HOUSE FOR THE DISTRICT COURT OF EASTERN HAMPDEN.**

Be it enacted, etc., as follows:

**SECTION 1.** The county commissioners of Hampden county are hereby authorized to raise and expend a sum not exceeding four million dollars to construct and originally equip a court house to provide suitable and adequate facilities for the district court of eastern Hampden including landscaping, parking, and furnishing. Any sums received from the federal government 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 of this act, the treasurer of Hampden county, with the approval of the county commissioners and the advisory board on county expenditures for said county, may borrow upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, four million dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words District Court of Eastern Hampden Court House Construction Loan, Act of 1987. 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 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 22, 1987.

---

**Chapter 427. AN ACT RELATING TO THE BOUNDARIES AND INDEBTEDNESS OF THE GRAFTON WATER DISTRICT.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 135 of the acts of 1984 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. The inhabitants of the town of Grafton, liable to taxation in said town and residing within the territory comprised within the following boundary lines, - to wit; Beginning at a stone bound located at the Southeasterly corner of proposed water district at the Intersection of the Grafton-Upton-Northbridge Town Line; thence North 89° 44', West to a point two hundred (200) feet east of Providence Road; thence in a Northeasterly direction to a point two hundred (200) feet east of Providence Road and fifteen hundred (1500) feet North of the intersection of Cross Street and Providence Road; thence in a Westerly direction across Providence Road and Fisherville Pond through the center of Pleasant Street Bridge over the Blackstone River which is approximately twenty-five hundred (2500) feet North of the intersection of Main Street and Pleasant Street; thence along the centerline of the Blackstone River to the Sutton-Grafton Town Line; thence North 11° 09' West five thousand, three hundred, fifty (5350) feet more or less by land of the Town of Sutton to a stone bound at the intersection of the Town Lines of Grafton, Millbury, and Sutton; thence North 09° 00' West by land of the Town of Millbury seventeen thousand, one hundred, fifty-two (17,152) feet more or less to a stone bound at the intersection of the Town Lines of Grafton, Millbury, and Worcester; thence North 26° 12' East by land of the City of Worcester one thousand, three hundred, forty-four (1344) feet more or less to an angle point at the intersection of the boundary lines of the Town of Grafton, City of Worcester, and Town of Shrewsbury, said point being in Flint Pond also known as Flagg Pond; thence North 69° 02' East by land of the Town of Shrewsbury three thousand, eight hundred, forty-three (3843) feet more or less to a stone bound, said bound lying on its side; thence North 89° 03' East still by land of the Town of Shrewsbury one thousand nine hundred and two (1902) feet more or less to a stone bound on the easterly side of Nelson Street; thence North 55° 31' East also by land of the Town of Shrewsbury two thousand and seventy-four (2074) feet more or less to a stone bound still by land of the Town of Shrewsbury; thence North 79° 55' East by land of the Town of Shrewsbury eight thousand, three hundred and three (8303) feet to a stone bound, said bound laying on its side at the intersection of the Town Lines of Grafton, Shrewsbury, and



Westborough; thence South 3° 12' East by land of the Town of Westborough one thousand, three hundred and seventy-six (1376) feet more or less to a stone bound located on the southerly line of Westborough Road; thence South 31° 46' East by land of the Town of Westborough one thousand, six hundred and sixty-six (1666) more or less to a stone bound which is located in an angle point in the Town Lines of Grafton and Westborough; thence North 78° 40' East by land of the Town of Westborough five thousand, seven hundred and thirty-six (5736) feet more or less to a stone bound which is at an angle point of the Town Lines of Westborough and Grafton; thence South 26° 18' East by land of the Town of Westborough one thousand and sixty-three (1063) feet more or less to a stone bound located Northerly of Old Westborough Road; thence South 09° 06' East still by land of the Town of Westborough six thousand, eight hundred, forty-five (6845) feet more or less to a stone bound which is the intersection of the Town Lines of Grafton, Westborough and Upton; thence South 07° 00' East by the Town Line of Upton fifteen thousand, nine hundred, twenty-nine (15,929) feet more or less to a stone bound located at an angle point in the Town Lines of Grafton and Upton; thence South 80° 11' West by the Town Line of Upton three thousand, two hundred, eighty-five (3285) feet more or less to a stone bound at the angle point in the Town Lines of Grafton and Upton; thence South 40° 50' East by the Town Lines of Upton three thousand, three hundred, eighty-one (3381) feet more or less to a stone bound located at an angle point at the junction of the Grafton and Upton Town Lines; thence South 64° 57' West by the Upton Town Line one thousand, five hundred, fifty-eight (1558) feet more or less; thence South 22° 57' East by the Upton Town Line two thousand, eight hundred, fifty-three (2853) feet more or less to the point of beginning, shall constitute a water district and are hereby made a body corporate by the name of the Grafton Water District; hereinafter called the District, for the purpose of supplying themselves and others, for fair consideration, with water for the extinguishment of fires and for domestic and other purposes, with the power to establish fountains and hydrants and to relocate and discontinue the same, to regulate the use of such water and to fix and collect rates to be paid therefor, and for the purposes of assessing and raising taxes as provided herein for the payment of such services, and for defraying the necessary expenses of carrying on the business of the District, subject to all general laws now or hereafter in force relating to such districts, except as otherwise provided herein. The District shall have the power to prosecute and defend all actions relating to its property and affairs.

**SECTION 2.** Said chapter 135 is hereby further amended by striking out section 4 and inserting in place thereof the following section:-

**Section 4.** For the purpose of paying the necessary expenses and liabilities incurred under this act, other than expenses of maintenance and operation, but including the funding of reserves for debt service or other expenses, the district may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, five million dollars,

---

**ACTS, 1987. - Chap. 428.**

and may issue bonds and notes therefor, which shall bear on their face the words, Grafton Water District Loan, Act of 1984. Each authorized issue shall constitute a separate loan, and such loan shall be payable in not more than forty years from their dates.

The district may also incur additional indebtedness for the purpose and within the limits prescribed for water districts under chapter forty-four of the General Laws. Maturities of bonds or notes issued by the district under this act or under the General Laws, other than temporary loans, shall be arranged so that for each issue, commencing with the first required principal payment, the annual combined payments of principal and interest shall be as nearly equal as practicable in the option of the district treasurer, or shall be arranged in accordance with a schedule providing for a more rapid amortization of principal. In addition to other security provided herein or otherwise by law, bonds or notes issued by the district may be secured by insurance or by letters or lines of credit or other credit facilities issued to the district under such terms and conditions and under such agreements, not inconsistent with this act, as the board of water commissioners and the treasurer may determine to be in the best interest of the district. Except as otherwise provided herein, indebtedness incurred under this act shall be subject to the provisions of chapter forty-four of the General Laws pertaining to such districts.

**SECTION 3.** Section 15 of said chapter 135 is hereby amended by inserting after the first sentence the following sentence:- Notwithstanding anything to the contrary in this act, the District is not required to purchase or take by eminent domain any assets of the Massachusetts American Water Company not located within the boundaries of the district established in section one.

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

Approved October 22, 1987.

---

**Chapter 428. AN ACT RELATIVE TO THE PERFORMANCE OF THE DUTIES OF TREE WARDEN IN THE TOWN OF HULL.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of chapter forty-one of the General Laws or any other general or special law to the contrary, in the town of Hull the powers and duties conferred and imposed upon tree wardens shall be exercised and performed by the superintendent of streets or such other person who is in charge of the highway department of said town.

**SECTION 2.** The provisions of section one shall not impair the status of the present incumbent tree warden. Upon the expiration of the terms

---

**ACTS, 1987. - Chap. 429.**

of the present incumbent or upon a vacancy in said office, the powers and duties thereof shall be exercised and performed as provided in section one.

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

Approved October 22, 1987.

---

**Chapter 429. AN ACT MAKING AN APPROPRIATION TO FUND A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE COMMONWEALTH AND THE COALITION OF PUBLIC SAFETY (UNIT 5).**

Be it enacted, etc., as follows:

**SECTION 1.** To provide for the cost of salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the commonwealth and the Coalition of Public Safety (Unit 5), 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 one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven, the sums so appropriated to be in addition to any amounts available for the purpose.

**SECTION 2.**

**Executive Office For Administration And Finance.**  
Collective Bargaining.

**Item**

1108-3200 For	the purposes of the commonwealth's contributions for the fiscal years nineteen hundred and eighty-seven and nineteen hundred and eighty-eight 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	\$112,000
1108-3638 For	the purpose of meeting the commonwealth's obligations pursuant to the provisions of Article twenty-one A of the collective bargaining agreement between the commonwealth and the Coalition of Public Safety (Unit 5)	\$10,000
1599-3638 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 Coalition of Public Safety (Unit 5), 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-eight where the amounts otherwise available are insufficient for the purpose such amounts as are necessary to meet the cost of said adjustments and benefits for the fiscal year nineteen hundred and eighty-eight and prior fiscal years; 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; provided, further, that no transfers shall be made as authorized herein without prior approval of the house and senate committees on ways and means; and provided, further, that the secretary of administration and finance should implement said salary adjustments and

---

**ACTS, 1987. - Chap. 430.**

benefits within sixty days of the effective  
date of this act \$10,352,000

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

Approved October 22, 1987.

---

**Chapter 430. AN ACT RELATIVE TO THE PRONOUNCEMENT OF  
DEATH BY REGISTERED NURSES IN CERTAIN CASES.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 9 of chapter 46 of the General Laws, as amended by chapter 161 of the acts of 1987, is hereby further amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

When a patient suffering from a terminal illness or whose death is anticipated and who is receiving the services of a hospice program, at home or in a hospice, dies, a registered professional nurse licensed by the board of registration in nursing, who is employed by said hospice program or by the Visiting Nurse Association at the time of apparent death of such person, in the absence of an attending physician or a medical examiner, may make the determination and pronouncement of the death of said patient; provided, however, that said nurse first make reasonable effort to contact said physician or medical examiner before making such determination or pronouncement; and provided, further, that such determination or pronouncement be made in writing on a form approved by the commissioner of public health and subscribed under pains and penalties of perjury; and provided, further, that said nurse inform said attending physician or medical examiner forthwith of the exact location to which the decedent has been removed.

**SECTION 2.** Section 45 of chapter 114 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the fifth sentence and inserting in place thereof the following sentence:- If such permit for removal of a human body, not previously interred, from one town to another within the commonwealth cannot be obtained early enough for the purpose, the certificate of death made as above provided or the determination or pronouncement of death made by a licensed registered nurse according to section nine of chapter forty-six and in the possession of the undertaker desiring to make such removal shall constitute a permit for such removal; provided, that such body shall be returned to the town from which it was removed within thirty-six hours after such removal, unless a permit in the usual form for the removal of such body has been sooner obtained hereunder.

Approved October 22, 1987.

**Chapter 431. AN ACT ALLOWING ABSENTEE VOTERS WHOSE BALLOTS ARE REJECTED AS DEFECTIVE TO VOTE SUBSTITUTE BALLOTS.**

Be it enacted, etc., as follows:

Chapter 54 of the General Laws is hereby amended by striking out section 94, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 94. The city or town clerk or a person designated by him shall open each envelope purporting to contain an official absent voting ballot as soon as possible after receiving it, in the view of any persons who may be present. He shall remove therefrom the inner envelope referred to in clause (c) of section eighty-seven and, without opening such inner envelope, said clerk, or such person, shall compare the signature thereon with the signature on the application therefor, except in the case of ballots prepared under section eighty-nine A or ninety-eight, and shall examine the affidavit on each envelope. If he finds that such affidavit has been improperly executed, or was executed in violation of section ninety-two before a witness who is a candidate for election at the election, or does not sufficiently indicate that the ballot was marked and mailed or delivered, as required by sections ninety-two and ninety-three, or was not signed by the person who signed the application therefor, he shall mark across the face thereof "Rejected as Defective", and shall place on the lists referred to in the last sentence of section ninety-one or in section one hundred and three M, as the case may be, opposite the name of the person appearing on the envelope referred to in clause (d) of said section eighty-seven, in which such envelope was enclosed, the capital letter R. Each envelope, so marked, all applications for absent voter ballots and all lists referred to in this section shall be preserved and destroyed in the manner provided by law for the retention, preservation or destruction of official ballots. Each envelope not so marked shall be replaced in the envelope referred to in said clause (d), and the name of the voter shall be checked on the lists referred to in the last sentence of section ninety-one, or in section one hundred and three M, as the case may be. Said clerk, or such person, shall record on tally sheets prepared and furnished by the state secretary all envelopes, as well as accepted or rejected ballots of absent voters; and, in cities and towns divided into voting precincts, a separate record shall be made for each precinct.

Said clerk shall notify, as soon as possible, each voter whose ballot was rejected that such ballot has been rejected. Said notice shall be on a form prescribed by the state secretary and provided by the clerk. Unless the clerk determines that there is clearly insufficient time for the voter to return another ballot, the clerk shall then proceed as if the voter had requested a substitute ballot under section eighty-nine. If the clerk received the original ballot by mail, the clerk shall enclose the substitute ballot and other papers described in section eighty-seven with the mailed notice of rejection. If the original ballot was delivered to the voter in

---

**ACTS, 1987. – Chaps. 432, 433.**

---

the office of the clerk or at a health care facility, the clerk shall attempt to communicate to the voter as soon as possible that the substitute ballot is available. If the clerk timely receives an inner envelope purporting to contain such a substitute ballot, and does not mark it "Rejected as Defective" under this section, he shall strike the letter R from any list on which it has been placed under the preceding paragraph.

Approved October 22, 1987.

---

**Chapter 432. AN ACT DESIGNATING A CERTAIN PARK BENCH AS THE EDWARD F. ("BUDDY") FITZGERALD, JR. BENCH.**

Be it enacted, etc., as follows:

A park bench on Castle Island in the South Boston district of the city of Boston shall be designated and known as Edward F. (Buddy) Fitzgerald, Jr. bench, in memory of firefighter Edward F. (Buddy) Fitzgerald. A suitable marker bearing such designation shall be attached thereto by the metropolitan district commission.

Approved October 22, 1987.

---

**Chapter 433. AN ACT AUTHORIZING THE CITY OF FITCHBURG TO BORROW A CERTAIN SUM FROM THE COMMONWEALTH TO SATISFY A JUDGMENT.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, the city of Fitchburg is hereby authorized to borrow at one time a sum not to exceed eight hundred thousand dollars from the commonwealth for the purpose of paying a judgment rendered against said city in the case of Macioci v. Commissioner of Revenue.

**SECTION 2.** Such loan shall be repaid not more than five years from its creation. The amounts repaid annually shall be as nearly equal from year to year as practicable in the opinion of the city auditor of the city of Fitchburg, or shall be paid in accordance with a schedule arranged by the city auditor with the lending authority providing for a more rapid amortization of the loan balance.

**SECTION 3.** The state treasurer shall deduct and withhold the amount of principal due in any given year of the loan by reducing the financial assistance which would otherwise be due to the city of Fitchburg in accordance with the provisions of section twenty-five A of chapter fifty-eight of the General Laws.

---

**ACTS, 1987. – Chaps. 434, 435.**

**SECTION 4.** Debt incurred under the authority of this act shall not be included in determining the maximum amount of indebtedness for the city of Fitchburg as established by law.

Approved October 22, 1987.

EMERGENCY LETTER: October 22, 1987 @ 3:22 P.M.

---

**Chapter 434. AN ACT AUTHORIZING THE TOWN OF ANDOVER TO PROVIDE HOUSING FOR PERSONS AND FAMILIES OF LOW AND MODERATE INCOME AND VALIDATING CERTAIN ACTIONS TAKEN BY SAID TOWN.**

Be it enacted, etc., as follows:

**SECTION 1.** The town of Andover is hereby authorized to appropriate money and receive gifts and grants and to acquire, sell or otherwise dispose of land or any portions of such land, at a location or locations to be selected by said town for the purpose of providing housing for persons or families of low and moderate income.

**SECTION 2.** The votes adopted by the town of Andover under articles sixty-five and sixty-six of the warrant for its annual town meeting held on April eighth, nineteen hundred and eighty-seven, relating to the provision of such housing and appropriating the aggregate sum of eight million three hundred thousand dollars for the acquisition of certain land therefor are hereby validated, ratified and confirmed.

**SECTION 3.** Any notes issued by the town of Andover in anticipation of the bonds or notes authorized by said town pursuant to the votes described in section two may be issued for terms in excess of two years, but not to exceed five years.

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

Approved October 27, 1987.

---

**Chapter 435. AN ACT AUTHORIZING THE TOWN OF FALMOUTH TO RELEASE ITS SANDING RIGHTS IN A PARCEL OF LAND.**

Be it enacted, etc., as follows:

**SECTION 1.** The town of Falmouth is hereby authorized to release its sanding rights in a certain parcel of land in said town. Said parcel is shown on "Plan of Lot 3 of Edward L. Wells, Jr., Henry D. Farias and Lawrence D. Farias, et al" dated May 3, 1978 and recorded at the Barnstable County Registry of Deeds in Book 324 at Page 85 and containing 4.8 acres more or less.



---

**ACTS, 1987. - Chap. 436.**

In consideration of said release authorized by this act Edward L. Wells, Jr., Henry D. Farias, Christina Farias and Lawrence Farias shall convey to the town of Falmouth all their right, title and interest in a certain parcel of land in said town being a portion of the land described in the previous paragraph and bounded and described as follows:

Beginning at the Southwest corner of the lot at the cranberry bogs,  
SOUTHWESTERLY 234 feet more or less along land now or formerly of  
Fred S. Travers and Hazel Travers;

NORTHERLY 312 feet more or less to the land now or formerly of John  
B. Moniz and Grace S. Moniz;

SOUTHEASTERLY 268 feet more or less to the cranberry bogs;

SOUTHERLY to the point of beginning;

Containing 73,350 square feet more or less.

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

Approved October 27, 1987.

---

**Chapter 436. AN ACT AUTHORIZING THE TOWN OF WARE TO  
ESTABLISH A DEPARTMENT OF PUBLIC WORKS.**

Be it enacted, etc., as follows:

**SECTION 1.** There shall be established in the town of Ware a department of public works which shall be under the jurisdiction of the board of selectmen and said board shall assume jurisdiction over such town boards and officers abolished by section two of this act.

**SECTION 2.** The board of selectmen shall have all the powers and duties now and from time to time vested by general or special law or town by-laws in the following boards and offices or in boards and offices having corresponding duties in the town of Ware to wit:- the highway surveyor, the tree warden, cemetery commissioners, park commissioners and water and sewer commissioners and such boards and offices are hereby abolished. No contracts or liabilities in force on the effective date of this act shall be affected, but the board of selectmen shall in all respects be the lawful successor of the boards and offices so abolished. Said board shall have jurisdiction over the maintenance of the sanitary landfill. The selectmen shall have such additional powers with respect to public works as the town from time to time by by-law provides.

**SECTION 3.** The board of selectmen shall appoint and fix the compensation of a superintendent of public works who shall exercise and perform, under the supervision and direction of said board, such of the powers, rights and duties transferred to said board under the provisions of section two as said board may from time to time delegate. Such superintendent shall be specially fitted by education, training and experience to perform the duties of his office and need not be a resident

of the town during his tenure of office. Such superintendent shall be responsible for the efficient exercise and performance of such powers, rights and duties and may be removed for just cause only and by a vote of at least a majority of said board. Such superintendent shall be given a written notice at least fourteen days prior to the date of removal, which shall specify the reasons for such removal and at his request a public hearing shall be held on the charges brought against him. During his tenure, he shall hold no other elective or appointive office nor shall he engage in any other business or occupation. Such superintendent shall give the town a bond with a surety company authorized to transact business in the commonwealth as surety, for the faithful performance of his duties in such sum and upon such conditions as the selectmen may require, and shall, subject to the approval of said board, appoint such assistants, agents and employees as the exercise and performance of his powers, rights and duties may require. Such superintendent shall render to the board of selectmen, as often as said board may require, a full report of all operations under his control during the period reported upon, and annually, and from time to time as required by said board, shall make a synopsis of such reports for publication and shall keep said board fully advised as to the needs of the town within the scope of his duties, and shall annually, prior to the expiration of the fiscal year of said town furnish to said board a carefully prepared and detailed estimate in writing of the appropriations required during the next fiscal year for the proper exercise and performance of all said rights and duties. The incumbent of the office of highway surveyor and of the office of tree warden, and each permanent employee of any board or office abolished by this act shall be transferred to and become an employee of the department of public works and every employee so transferred shall continue to serve and shall retain all rights to holidays, sick leave, vacations and other benefits in effect on the effective date of this act.

**SECTION 4.** This act shall be submitted to the voters of the town of Ware for acceptance at the annual town election in the year nineteen hundred and eighty-eight, in the form of the following question, which shall be placed on the official ballot to be used for the election of town officers at said elections:- "Shall an act passed by the general court in the year nineteen hundred and eighty-seven, entitled 'An Act authorizing the town of Ware to establish a department of public works', be accepted?" If the majority of the votes cast in answer to this question is in the affirmative, this act shall become effective upon approval by the office of the attorney general;

Approved October 27, 1987.

---

**ACTS, 1987. - Chaps. 437, 438.**

**Chapter 437. AN ACT PROVIDING FOR THE BOARD OF ALDERMEN OR A GOVERNING BODY IN MUNICIPALITIES TO DESIGNATE POLLING PLACES IN ANY PRECINCTS.**

Be it enacted, etc., as follows:

Section 24 of chapter 54 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:- It shall be in a public, orderly, and convenient portion of the precinct; provided, however that if the aldermen or selectmen determine that the public convenience would be better served, the aldermen may designate a polling place in an adjacent precinct of a city, and the selectmen may designate a polling place in another precinct of a town or may house all polling places in a single building within the town.

Approved October 27, 1987.

---

**Chapter 438. AN ACT FURTHER REGULATING ELECTIONS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 42E of chapter 51 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Said assistant registrar shall receive affidavits of registration from registrants who reside in any other city or town of the commonwealth, and the provisions of section forty-two B shall apply to such affidavits.

**SECTION 2.** Section 48 of chapter 53 of the General Laws, as so appearing, is hereby amended by striking out the fourth, fifth, and sixth paragraphs and inserting in place thereof the following three paragraphs:-

There shall not be printed on the ballot at the state primary the name of any person as a candidate for nomination for any office to be filled by all the voters of the commonwealth, or for representative in congress, governor's councillor, senator in the general court, representative in the general court, district attorney, clerk of court, register of probate and insolvency, register of deeds, county commissioner, sheriff, or county treasurer, unless a certificate from the registrars of voters of the city or town wherein such person is a registered voter, certifying that he has been enrolled as a member of the political party whose nomination he seeks throughout the ninety days prior to the last day herein provided for filing nomination papers with the state secretary, is filed with the state secretary on or before such filing deadline. Said registrars shall issue such certificate, signed by a majority thereof, forthwith upon request of any such candidate so enrolled or of his authorized representative. Said registrars of voters shall issue such certificate to any person seeking the nomination of a political party, who is a newly registered voter of that

city or town enrolled in that political party and who has not been an enrolled member of another political party during the year preceding the last day for filing nomination papers with the state secretary. No such certificate shall be issued to any person who is a candidate for nomination for any such office, if such person has been an enrolled member of another political party during the year prior to the last day for filing nomination papers with the state secretary as provided by this section.

There shall not be printed on the ballot at a city or town primary the name of any person as a candidate for nomination for any office to be filed at a city or town election unless such person has been an enrolled member of the political party whose nomination he seeks throughout the ninety days prior to the last day for submitting primary nomination papers to the registrars of voters prior to said primary.

The name of a candidate for election to any office who is nominated otherwise than by a political party, generally referred to as an "Unenrolled" candidate, shall not be printed on the ballot at a state election, or on the ballot at any city or town election following a city or town primary, unless a certificate from the registrars of voters of the city or town wherein such person is a registered voter, certifying that he is not enrolled as a member of any political party, is filed with the state secretary or city or town clerk on or before the last day herein provided for filing nomination papers. Said registrars shall issue each certificate forthwith upon request of any such candidate who is not a member of a political party or his authorized representative. No such certificate shall be issued to any such candidate who shall have been an enrolled member of any political party during the ninety days prior to the last day for filing nomination papers as provided by this section.

**SECTION 3.** The third paragraph of section 43A of chapter 54 of the General Laws, as so appearing, is hereby amended by striking out the last sentence.

**SECTION 4.** The first paragraph of section 53 of said chapter 54, as so appearing, is hereby amended by inserting after the word "quarters", in line 8, the following words:– , with the number of registered voters residing at each such address.

**SECTION 5.** Subsection (d) of section 92 of said chapter 54, as so appearing, is hereby amended by adding the following sentence:– If the health care facility is outside the city or town and no kindred of the voter is available for this purpose, the ballot need not be delivered, but may be mailed instead.

**SECTION 6.** The second paragraph of section 95 of said chapter 54 is hereby amended by striking out the last sentence, as so appearing, and inserting in place thereof the following sentence:– Written notice of such meeting shall be given by said board to the chairman of the city or town committee of each political party at least three days before such meeting.

---

**ACTS, 1987. – Chaps. 439, 440.**

**SECTION 7.** Section 98 of said chapter 54, as so appearing, is hereby amended by adding the following sentence:- Such designated person shall add in writing a statement that the voter is unable to write, the reason therefor, and shall sign the voter's name on the inner envelope.

**SECTION 8.** Section one hundred and one of said chapter fifty-four is hereby repealed.

**SECTION 9.** The third paragraph of section 135 of said chapter 54, as so appearing, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:- If the registrars determine to accept an inner envelope originally rejected as defective, they shall open such envelope and count the ballot therein, and shall attach such envelope to such ballot.

**SECTION 10.** The ninth paragraph of said section 135 of said chapter 54, as so appearing, is hereby amended by striking out, in lines 182 and 183, the words "without opening the envelopes".

Approved October 27, 1987.

EMERGENCY LETTER: October 27, 1987 @ 4:27 P.M.

---

**Chapter 439. AN ACT REQUIRING SCHOOL COMMITTEES TO NOTIFY SCHOOL PERSONNEL OF REPORTING REQUIREMENTS REGARDING CHILD ABUSE AND NEGLECT.**

Be it enacted, etc., as follows:

Chapter 71 of the General Laws is hereby amended by inserting after section 37K the following section:-

Section 37L. The school committee of each city, town or regional school district shall inform teachers, administrators, and other professional staff of reporting requirements for child abuse and neglect as specified in sections fifty-one A to fifty-one F, inclusive, of chapter one hundred and nineteen.

Approved October 27, 1987.

---

**Chapter 440. AN ACT RELATIVE TO DISCLOSURE OF OWNERSHIP OF CERTAIN HEALTH CARE FACILITIES.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 112 of the General Laws is hereby amended by inserting after section 12Z the following section:-

---

**ACTS, 1987. - Chap. 441.**

Section 12AA. A physician who refers a patient for physical therapy services to any partnership, corporation, firm or other legal entity in which the physician has a financial ownership interest shall disclose such interest to the patient and shall inform the patient that such services may be available from other physical therapists in the patient's community.

For the purposes of this section, the term "ownership interest" shall mean any and all ownership interest including, but not limited to, any membership, proprietary interest, stock interest, partnership interest, co-ownership in any form or any profit-sharing arrangement.

The board of registration in medicine may prescribe by regulation that physicians report such ownership interest and referrals to the said board. Violation of this section may constitute grounds for disciplinary action by the board of registration in medicine.

**SECTION 2.** Said chapter 112 is hereby further amended by inserting after section 23P the following section:-

Section 23P 1/2. Any physical therapist who is involved in the private practice of physical therapy, to whom a patient is referred by a physician who derives income directly or indirectly from the physical therapy service, shall disclose to the patient that the referring physician derives income from the provision of such service.

For the purposes of this section, the term "ownership interest" shall mean any and all ownership interest including, but not limited to, any membership, proprietary interest, stock interest, partnership interest, co-ownership in any form or any profit-sharing arrangement.

The board of allied health professionals may prescribe by regulation that physical therapists report such ownership interests and referrals to the said board. Violation of this section may constitute grounds for disciplinary action by the board of allied health professionals.

**SECTION 3.** This act shall take effect on March first, nineteen hundred and eighty-eight.

Approved October 27, 1937.

---

**Chapter 441. AN ACT PROVIDING FOR RECALL ELECTIONS IN THE COTUIT FIRE DISTRICT.**

Be it enacted, etc., as follows:

Chapter 328 of the acts of 1926, as most recently amended by chapter 144 of the acts of 1984, is hereby further amended by inserting after section 4 the following eight sections:-

**Section 4A.** Any holder of an elective office in the Cotuit fire district may be recalled, and removed therefrom by the qualified voters of the district as herein provided.

Section 4B. Any qualified voter of the Cotuit fire district may make and file with the district clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds of recall. Said district clerk shall thereupon deliver to the voter making such affidavit a sufficient number of copies of petition blanks demanding such recall, printed forms of which he shall keep on hand. The blanks shall be issued by the district clerk with his signature and official seal attached thereto; they shall be dated and addressed to the prudential committee of said district, shall contain the name of the person sought to be recalled, 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 by the district clerk. Said recall petition shall be returned and filed with said district clerk within twenty days after the filing of the affidavit. Said petition before being returned and filed shall be signed by twenty per cent of the qualified voters of said district, and 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 registrar of voters of the town of Barnstable, and the registrars shall forthwith certify thereon the numbers of signatures which are names of voters in said district.

Section 4C. If the petition shall be found and certified by the district clerk to be sufficient, he shall submit the same with his certificate to the prudential committee without delay and the prudential committee 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 recall election to be held on a date fixed by said committee not less than sixty nor more than ninety days after the date of the district clerk's certification that a sufficient petition is filed; provided, however, that if any other district election is to occur within one hundred days after the date of said certificate, said prudential committee may, in their discretion, postpone the holding of said 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 in this section provided.

Section 4D. Any officer sought to be recalled may be a candidate to succeed himself, and, unless he requests otherwise in writing, the district clerk shall place his name on the official ballot without nomination. The nomination of all 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.

Section 4E. The incumbent shall continue to perform the duties of his office until the recall election. If said incumbent is not removed, he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in section four G. 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 4F. Ballots used in a recall election in the Cotuit fire district 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 words "Candidates" and the direction "Vote for One" and beneath this the names of the 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 vacancies need not be counted.

Section 4G. No recall petition shall be filed against an officer of said district 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 4H. No person who has been recalled from an office in the district or who has resigned from office while recall proceedings were pending against him, shall be appointed to any district office within two years after such removal by recall or resignation.

Approved October 27, 1987.

---

**Chapter 442. AN ACT AUTHORIZING THE TOWN OF DANVERS TO ACQUIRE AN EASEMENT IN CERTAIN PARK LAND IN SAID TOWN.**

Be it enacted, etc., as follows:

The town of Danvers is hereby authorized to acquire an easement in certain park land in said town for the purposes of constructing and maintaining an interceptor sewer.

Said easement is shown on a plan entitled "plan showing takings for sewer easements, Sheet 1" dated June 30, 1987 by Harry R. Feldman, Inc. a copy of which is on file in the office of the town clerk of said town.

Approved October 27, 1987.



---

ACTS, 1987. - Chaps. 443, 444, 445.

**Chapter 443. AN ACT FURTHER REGULATING RECALL ELECTIONS IN THE TOWN OF HULL.**

Be it enacted, etc., as follows:

Section 3 of chapter 495 of the acts of 1980 is hereby amended by striking out, in line 8, the words "twenty-five nor more than thirty-five" and inserting in place thereof the word:- sixty-one,- and by striking out, in line 11, the word "sixty" and inserting in place thereof the words:- one hundred.

Approved October 27, 1987.

---

**Chapter 444. AN ACT ESTABLISHING THE OFFICE OF TREASURER-COLLECTOR OF TAXES IN THE TOWN OF HUBBARDSTON.**

Be it enacted, etc., as follows:

**SECTION 1.** The office of treasurer-collector of taxes of the town of Hubbardston is hereby established. Said treasurer-collector of taxes 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 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 deemed necessary and appropriate, otherwise such qualifications and terms of employment shall be established by the selectmen. Any vacancy in said office shall be filled in like manner for the unexpired portion of the term.

**SECTION 2.** Section one shall take effect as of the date of the annual town election for the town of Hubbardston in the year nineteen hundred and eighty-eight.

Approved October 27, 1987.

---

**Chapter 445. AN ACT RELATIVE TO THE MEMBERSHIP OF THE COMMISSION ON INDIAN AFFAIRS.**

Be it enacted, etc., as follows:

The first paragraph of section 38 of chapter 7 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following two sentences:- In the year nineteen hundred and eighty-eight, three members shall be appointed for a term of three years, two members shall be appointed for a term of two years and two members shall be

---

**ACTS, 1987. - Chaps. 446, 447.**

appointed for a term of one year. Thereafter all appointments shall be for a three year term.

Approved October 28, 1987

---

**Chapter 446. AN ACT FURTHER DEFINING MILK.**

Be it enacted, etc., as follows:

Section 12 of chapter 94 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The term "milk" shall mean the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows or goats. The legal minimum standard for cow milk in final package form for beverage use shall be milk which is shown to contain not less than eight and one-quarter per cent milk solids not fat and three and one-quarter per cent milkfat. The legal minimum standard for goat milk in final package form for beverage use shall be milk which is shown to contain not less than seven point five per cent milk solids not fat and not less than two point five per cent milkfat. Milk may be adjusted by separating part of the milkfat therefrom or by adding cream thereto.

Approved October 28, 1987.

---

**Chapter 447. AN ACT AUTHORIZING THE TOWN OF AYER TO CONVEY A CERTAIN PARCEL OF LAND UNDER THE CONTROL OF THE BOARD OF SELECTMEN TO THE CONTROL OF THE HISTORICAL COMMISSION.**

Be it enacted, etc., as follows:

The town of Ayer is hereby authorized to transfer care, custody and control of a certain parcel of land formerly used as the Pleasant Street school from the board of selectmen of said town to the historical commission of said town. Said parcel of land, with improvements thereon, is more particularly described in deeds from John G. Park, et al to the town of Ayer, dated May 16, 1893 recorded in the southern district registry of deeds in the county of Middlesex, Book 2200, Page 510; deed of Mary G. Paine to the town of Ayer, dated May 7, 1906 recorded in the southern district registry of deeds in the county of Middlesex, Book 3229, Page 526 and deed of Levi W. Phelps to the town of Ayer, dated April 30, 1906 recorded in the southern district registry of deeds in the county of Middlesex, Book 3229, Page 533. Said parcel of land contains seventy-nine thousand four hundred and seventy square feet more or less, and is described as follows:

BEGINNING at the southeasterly corner of the premises at a point on Pleasant Street;

---

**ACTS, 1987. – Chap. 448.**

THENCE running in a northerly direction along Pleasant Street a distance of four hundred sixty (460') feet to a point;

THENCE turning at a right angle and running in a northwesterly direction a distance of one hundred eighty (180') feet to a point on Jackson Street;

THENCE turning at a right angle and running in a southwesterly direction along Jackson Street a distance of four hundred sixteen and 3/10 (416.3') feet more or less to a point;

THENCE turning and running in a southeasterly direction a distance of one hundred eighty-five and 2/10 (185.2') feet, more or less, to the point of beginning.

The premises are shown as an unnumbered school house lot and lots numbered 44, 45, 46, 47, 57, 58, 59, 60 and a portion of lot 43 and a portion of lot 56 on a plan of "House Lots in Ayer, MA." belonging to the Heirs of John G. Park, surveyed May, 1895 by H. C. Hovey, Engineer, recorded in the southern district registry of deeds in the county of Middlesex, on October 5, 1896, Plan Book 100, Plan No. 8.

Approved October 29, 1987.

---

**Chapter 448. AN ACT RELATIVE TO THE OFFICE OF DEPUTY POLICE CHIEF IN THE TOWN OF TEWKSBURY.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 86 of the acts of 1968 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

**Section 1.** The provisions of chapter thirty-one of the General Laws shall apply to the following offices and positions in the town of Tewksbury wherever such offices and positions are on a full-time basis: fire chief; deputy fire chief; fire captain; fire fighter; deputy police chief; fire fighter mechanic; fire fighter ambulance attendant; fire fighter alarm maintenance person; fire lieutenant; police lieutenant; police sergeant; patrolman; policewoman and stenographer and custodial positions in the library. The tenure of office of the permanent incumbents on the effective date of this act of any such offices or positions shall be unlimited, subject, however, to the provisions of the civil service law and rules, provided the incumbent of any such office or position shall be subjected by the division of civil service to a qualifying examination and if he passes said examination shall be certified for such office or position and shall be deemed to be permanently appointed thereto without being required to serve any probationary period.

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

Approved October 30, 1987.

**Chapter 449. AN ACT VALIDATING CERTAIN ACTIONS TAKEN BY  
THE MARTHA'S VINEYARD REGIONAL HIGH  
SCHOOL DISTRICT SCHOOL COMMITTEE.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 42 of the acts of 1987 is hereby amended by striking out section 3 and inserting in place thereof the following two sections:-

**Section 3.** The actions of the Martha's Vineyard Regional High School District school committee, taken on July twenty-second, nineteen hundred and eighty-five and shown as Item 6 (a) in the minutes of said meeting, authorizing the leasing to Martha's Vineyard Arena, Inc. of the land described in section one, and all subsequent actions taken pursuant to such authorization are hereby validated, ratified and confirmed as if said section one was in effect at the time such actions were taken.

**Section 4.** The actions of the Martha's Vineyard Regional High School District school committee, taken on September third, nineteen hundred and eighty-six and shown as Item 6 (a) in the minutes of said meeting, authorizing the chairman of said school committee to sign a lease with Martha's Vineyard Community Services, Inc. for the land described in section two, and all subsequent actions taken pursuant to such authorization are hereby validated, ratified and confirmed as if said section two was in effect at the time such actions were taken.

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

Approved November 2, 1987.

---

**Chapter 450. AN ACT RELATIVE TO THE PATHFINDER REGIONAL  
VOCATIONAL TECHNICAL HIGH SCHOOL DISTRICT.**

Be it enacted, etc., as follows:

**SECTION 1.** The Pathfinder Regional Vocational Technical High School District, consisting of the member towns of Belchertown, Monson, New Braintree, Palmer and Ware, may by amendment to its regional school district agreement, provide that members of its regional district school committee may be elected from the district at an annual district election to be called by said district. Said amendment may provide for residency requirements relating to the composition of the regional district school committee. Said amendment may also provide that the annual district election shall be held concurrently with the annual town election of each town, and may further provide for the duties to be performed by the secretary and other officials of said district and by the clerks, registrars of voters and other officials of said member towns with respect to the annual district election, which duties may be the same as, or similar to, the duties performed for town elections.

---

**ACTS, 1987. – Chaps. 451, 452.**

**SECTION 2.** The amendment to its regional school district agreement proposed by the regional district school committee by the vote passed on April eighth, nineteen hundred and eighty-seven, containing provisions authorized by section one is hereby validated, ratified and confirmed.

**SECTION 3.** The proceedings taken by the regional district school committee of said district on April twenty-ninth, nineteen hundred and eighty-seven, and at town meetings held in the town of Belchertown on June twenty-second, nineteen hundred and eighty-seven, in the town of Monson on June eighth, nineteen hundred and eighty-seven, in the town of New Braintree on May twenty-eighth, nineteen hundred and eighty-seven, in the town of Palmer on June eighth, nineteen hundred and eighty-seven and in the town of Ware on May eleventh, nineteen hundred and eighty-seven, at which said amendment and the admission of the town of Ware as a member town were considered and voted on are hereby validated, ratified and confirmed in all respects and as though section one had been in full force and effect at the time of said proceedings.

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

Approved November 2, 1987.

---

**Chapter 451. AN ACT RELATIVE TO THE BOARD OF ASSESSORS OF THE TOWN OF YARMOUTH.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding any general or special law to the contrary, the board of assessors of the town of Yarmouth shall, at such time as the commissioner of revenue may in writing approve, but not later than forty-five days after the effective date of this act, make omitted and revised property tax assessments for fiscal year nineteen hundred and eighty-seven, in accordance with the provisions of sections seventy-five and seventy-six of chapter fifty-nine of the General Laws, notwithstanding the time limitations set forth in said sections by which such assessments shall be made.

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

Approved November 2, 1987.

---

**Chapter 452. AN ACT RELATIVE TO THE APPOINTMENT OF CERTAIN FULL TIME OFFICERS IN THE CITY OF FALL RIVER.**

Be it enacted, etc., as follows:

---

**ACTS, 1987. - Chaps. 453, 454.**

**SECTION 1.** Notwithstanding the provisions of any general or special law or rule to the contrary, for the purposes of chapter thirty-one of the General Laws and rules authorized thereunder, all permanent members of the intermittent police force of the city of Fall River who were appointed to the full time police force of said city on August third, nineteen hundred and eighty-five shall be deemed to have been so appointed on February tenth, nineteen hundred and eighty-three; provided, however, that nothing contained herein shall be construed to entitle any such police officer to any back wages.

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

Approved November 2, 1987.

---

**Chapter 453. AN ACT DESIGNATING THE STATE POOL IN THE TOWN OF CLINTON AS THE PHILIP J. WEIHN MEMORIAL POOL.**

Be it enacted, etc., as follows:

The state pool in the town of Clinton shall be designated and known as the Philip J. Weihl memorial pool, in memory of Philip J. Weihl, for his long association and work at the pool. A suitable marker bearing such designation shall be attached thereto by the department of environmental management.

Approved November 2, 1987.

---

**Chapter 454. AN ACT EXTENDING THE DISCIPLINARY POWERS OF THE BOARD OF REGISTRATION OF DENTAL EXAMINERS.**

Be it enacted, etc., as follows:

Chapter 112 of the General Laws is hereby amended by inserting after section 52E the following section:-

Section 52F. The board may, without a hearing, suspend or refuse to renew a registrant's license if the board finds that the health, safety or welfare of the public warrants such summary action; provided, however, that the board shall, within seven days of such summary action, afford the registrant the opportunity of a hearing pursuant to chapter thirty A. Any suspension imposed by the board shall remain in effect until the conclusion of the proceedings including judicial review thereof, unless sooner dissolved by a court of competent jurisdiction or withdrawn by the board.

Approved November 2, 1987.

---

**ACTS, 1987. - Chaps. 455, 456, 457.**

**Chapter 455. AN ACT FURTHER REGULATING CERTAIN ENCUMBRANCES UPON CERTIFICATES OF TITLE.**

Be it enacted, etc., as follows:

Section 46 of chapter 185 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out clause Second and inserting in place thereof the following clause:-

Second, Taxes, within three years after they have been committed to the collector.

Approved November 2, 1987.

---

**Chapter 456. AN ACT RELATIVE TO THE USE OF PROCEEDS DERIVED FROM THE SALE OF MUNICIPAL REAL ESTATE.**

Be it enacted, etc., as follows:

Chapter 44 of the General Laws is hereby amended by striking out section 63, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 63. Whenever the proceeds of the sale or other disposal of real estate, including the taking by eminent domain by another governmental unit, but other than that acquired through tax title foreclosure, by a city, town, or district, exceed five hundred dollars, the same shall be applied to the payment of indebtedness incurred in acquiring such real estate or shall be added to the sinking fund, if any, from which said indebtedness is payable, or if no such indebtedness is outstanding may be used for any purpose or purposes for which the city, town or district is authorized to incur debt for a period of five years or more or be applied to the payment of indebtedness incurred under clause (3) of section seven, except that the proceeds of a sale in excess of five hundred dollars of any park land by a city, town, or district shall be used only by said city, town, or district for acquisition of land for park purposes or for capital improvements to park land.

Approved November 2, 1987.

---

**Chapter 457. AN ACT FURTHER DEFINING THE DUTIES OF THE ARCHIVIST OF THE COMMONWEALTH.**

Be it enacted, etc., as follows:

Section 2 of chapter 9 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the first sentence the following sentence:- The archivist of the commonwealth shall

---

**ACTS, 1987. - Chaps. 458, 459.**

promulgate such rules and regulations as he deems necessary for the implementation and administration of the archives division.

Approved November 2, 1987.

---

**Chapter 458. AN ACT INCREASING THE COMPENSATION PAID TO MEMBERS OF THE BOARD OF THE UPPER BLACK-STONE WATER POLLUTION ABATEMENT DISTRICT.**

Be it enacted, etc., as follows:

The first paragraph of section 5 of chapter 752 of the acts of 1968 is hereby amended by striking out the third sentence, as amended by chapter 12 of the acts of 1976, and inserting in place thereof the following sentence:- Members of the board may receive compensation from the district, which shall not exceed one thousand two hundred and fifty dollars per year for a board member or two thousand five hundred dollars per year for the vice chairman and secretary, or three thousand dollars for the chairman.

Approved November 2, 1987.

---

**Chapter 459. AN ACT ESTABLISHING A PARK AND RECREATION COMMISSION IN THE TOWN OF NANTUCKET.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 2 of chapter 169 of acts of 1965 is hereby amended by striking out, in line 5, the words "park and recreation commission".

**SECTION 2.** There is hereby established in the town of Nantucket a park and recreation commission having the powers and duties of a park commission under the provisions of chapter forty-five of the General Laws. The commission shall consist of five members to be appointed by the board of selectmen. Initial appointments shall have one member with a one-year term, two members with two-year terms, and two members with three-year terms; and thereafter each successor commissioner shall have a full three-year term. Vacancies occurring in any position during a term shall be filled for the balance of the unexpired term in the same manner as an original appointment.

**SECTION 3.** This act shall take effect upon its acceptance by the board of selectmen of the town of Nantucket.

Approved November 2, 1987.



---

**ACTS, 1987. - Chaps. 460, 461.**

**Chapter 460. AN ACT AUTHORIZING THE TOWN OF HULL TO LEASE CERTAIN LAND TO THE HULL YACHT CLUB.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of section three of chapter forty of the General Laws or any other general or special law or by-law to the contrary the town of Hull, acting by and through its board of selectmen, may lease for not more than twenty-five years to the Hull Yacht Club, the land said town is presently leasing to said yacht club.

Approved November 2, 1987.

---

**Chapter 461. AN ACT ESTABLISHING THE CANOE RIVER ADVISORY COMMITTEE.**

Be it enacted, etc., as follows:

**SECTION 1.** There is hereby established the Canoe River aquifer advisory committee, hereinafter referred to as the committee, whose member towns shall include the towns of Easton, Mansfield, Norton and Foxborough. Said committee shall inform and educate the public about water conservation and the condition of the Canoe river aquifer.

**SECTION 2.** Said committee shall consist of three members from each member town. Such persons shall be appointed on or before July first of each year by the board of selectmen of their respective towns.

Initial terms of office for members from each town shall be for one, two, and three years, respectively. Thereafter, terms of office, shall be for three years. Members of the committee shall be eligible for reappointment.

The committee shall organize formally within sixty days of its initial appointment, and elect from its members a chairman, vice-chairman, and secretary for terms of one year each. The committee shall prepare an annual report in writing of its activities in the previous fiscal year, such report to be provided to the board of selectmen of each member town by July thirtieth of each year.

**SECTION 3.** The Canoe river aquifer watershed is hereby defined as the watershed area outlined as the Canoe River Watershed on the aquifer protection study map, Town of Easton, MA, dated 1986, Plate #2, completed by I.E.P., Inc., said watershed being within the boundaries of the towns of Easton, Mansfield, Norton and Foxborough.

Said committee shall advise the board of selectmen, planning boards, and other boards, committees and agencies of member towns relative to developments, conservation and zoning within the Canoe river aquifer.

**SECTION 4.** Any plan submitted for the development of any land

---

**ACTS, 1987. - Chaps. 462, 463.**

within the Canoe river aquifer shall be submitted to said committee at the time of submission to the planning board, conservation commissions, boards of health, or any other local agencies having similar jurisdiction in the towns of Easton, Mansfield, Norton and Foxborough. Said committee shall study such plans and shall report its findings and recommendations, if any, to the respective local board or agency having such jurisdiction prior to the decision of such board or agency. Failure to timely provide its findings and recommendations, if any, shall not be deemed to stay action of the respective local board or agency, if such board or agency is required by law to act within a certain time period.

Approved November 2, 1987.

---

**Chapter 462. AN ACT DESIGNATING CERTAIN PARK LAND IN THE DORCHESTER DISTRICT OF THE CITY OF BOSTON AS THE SENATOR JOSEPH FINNEGAN PARK.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately designate certain park land in the Dorchester district of the city of Boston as the Senator Joseph Finnegan 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 and reservation land located at the former Shaffer Paper site and the nineteen acres of commission land adjacent thereto in the Port Norfolk section of the Dorchester district of the city of Boston shall be designated and known as the Senator Joseph Finnegan Park. A suitable marker bearing such designation shall be erected thereon by the metropolitan district commission.

Approved November 3, 1987.

---

**Chapter 463. AN ACT AUTHORIZING PRELIMINARY TAX PAYMENTS IN CITIES AND TOWNS.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize preliminary tax payments in cities and towns, 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 59 of the General Laws is hereby amended by inserting after section 23C, as appearing in the 1986 Official Edition, the

following section:-

Section 23D. Notwithstanding the provisions of any general or special law to the contrary, a city or town is hereby authorized to issue a notice of preliminary tax in any fiscal year, with the prior written approval of the commissioner of revenue for each fiscal year, and require the payment of the preliminary tax, which shall in no event exceed fifty per cent of the tax payable during the preceding fiscal year; provided, however, that the board of assessors in any city or town which seeks to issue a notice of preliminary tax shall submit to the commissioner all information required to set the tax rate pursuant to section twenty-three, except the assessed valuation of all real and personal property subject to taxation for the current fiscal year, and any other information as may be required for purposes of the aforementioned approval; and provided, further, that in a city or town undertaking a general revaluation of its property under a program approved by the commissioner for completion and implementation for the fiscal year, the approval shall not be granted unless the commissioner is satisfied that full and fair valuations shall be established prior to February first of the current fiscal year for certification under subsection (c) of section two A. The assessors of such city or town shall establish the tax rate for the fiscal year no later than April first. In no event shall the net amount of revenue to be raised by taxation, as submitted to the commissioner pursuant to the approval required under this section, be exceeded, except to the extent that additional new growth, as certified by the commissioner pursuant to paragraph (f) of section twenty-one C, exceeds the prior approved amount. The actual tax bill issued upon the establishment of the tax rate for the fiscal year, after credit is given for the preliminary tax payment previously made, shall be payable on or before May first of the fiscal year without payment of interest.

In a city or town which seeks to issue a notice of preliminary tax pursuant to this section, the board of assessors must vote to seek approval to issue a notice of preliminary tax no later than August fifteenth of the current fiscal year; provided, however, that the notice of preliminary tax must be issued no later than October first of the current fiscal year; and provided, further, that the board of assessors shall inform the selectmen, town council or city council, and the mayor, immediately of its vote. Said dates may be extended for a city or town by the commissioner only if he finds extraordinary circumstances have caused delay in meeting such dates.

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 preliminary tax provided hereunder, including the payment of interest under section fifty-seven. 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 current fiscal year shall govern such rights and remedies. The provisions of section twenty-one C shall apply to the tax rate established by the city or town for the current fiscal year.

Notwithstanding the provisions of the first paragraph, a city or town which seeks to issue a notice of preliminary tax for any fiscal year may, with the prior written approval of the commissioner, require the payment of a preliminary tax in excess of fifty per cent of the tax payable during the preceding fiscal year, 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 or to the extent that such excess represents one-half of the amount of the tax accruing as a result of improvements to the parcel. A city or town is further authorized under this paragraph, with the prior written approval of the commissioner, to issue a notice of preliminary tax for any property which becomes subject to taxation for the first time in the current fiscal year.

The assessors may, on application or of their own motion, abate so much of the preliminary tax as remains unpaid that is in excess of the property owner's proportional share.

**SECTION 2.** The provisions of this act shall take effect upon its passage and shall apply to tax years beginning with July first, nineteen hundred and eighty-eight and ending June thirtieth, nineteen hundred and ninety-seven.

Approved November 3, 1987.

---

**Chapter 464. AN ACT ESTABLISHING A SPECIAL ACCOUNT FOR THE PLYMOUTH COUNTY HOSPITAL.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, Plymouth county is hereby authorized to establish a special account to be known as the Plymouth county hospital operations account. Into such account shall be deposited all receipts, revenues and funds from any source derived from any activity of the Plymouth county hospital.

**SECTION 2.** The account authorized by section one shall be maintained by the county treasurer in accordance with the provisions of section ten of chapter thirty-five of the General Laws and expenditures from such account shall be made by the administrator of the Plymouth county hospital in accordance with the approved budget described by section twenty-eight of said chapter thirty-five and as outlined in section four, and used solely for the operation and maintenance and for the provision of capital equipment and plant for said hospital. Such account shall be maintained in accordance with generally accepted principles of accounting and shall be audited annually by a certified public accountant or by the bureau of accounts. The county treasurer shall invest the monies in said account as authorized by law and the

---

**ACTS, 1987. - Chap. 465.**

interest accruing thereon shall insure to the benefit of said hospital. For the purpose of providing health care for the citizens of Plymouth county, said county may from time to time appropriate monies into said account and donations from private sources may be received into said account.

**SECTION 3.** The county treasurer, upon written request of the administrator of the Plymouth county hospital and written approval of the board of trustees of said hospital, may borrow funds in any fiscal year in anticipation of the receipt of revenues of said Plymouth county hospital for such fiscal year. Such loans outstanding at any one time in any fiscal year shall not exceed, in the aggregate, twenty-five per cent of the annual expenses of the current fiscal year as shown in the approved budget or such larger amounts as may be approved by the county commissioners as trustees and the Plymouth county advisory board. All funds to be borrowed shall be deposited into said account established under section one.

**SECTION 4.** The administrator of the Plymouth county hospital shall file with the county commissioners, the county treasurer and the bureau of accounts, a written report of the special account established by section one within ninety days after the end of the fiscal year. Such report shall include financial statements relating to the operation, maintenance, capital and real properties of said hospital.

The budget must be approved by the Plymouth county commissioners, as hospital trustees, and by the Plymouth county advisory board prior to the beginning of the fiscal year. The budget must be prepared on forms approved by the director of the bureau of accounts and must show the appropriation of the current fiscal year and the actual expenditures of the two preceding years. Said budget must be presented to the county commissioners no later than September first for the following fiscal year.

**SECTION 5.** In order that the fiscal affairs of said hospital may be managed by the hospital board of trustees, and to limit the cost to the taxpayers, an assessment may or may not be rendered at the close of any fiscal year in which an operating deficit occurs, with the approval of the Plymouth county advisory board.

**SECTION 6.** This act shall take effect upon its passage.

Approved November 3, 1987.

---

**Chapter 465. 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 immediately 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.** Section 7 of chapter 4 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in lines 148 and 160, the word "subparagraph" and inserting in place thereof, in each instance, the following word:– subclause.

**SECTION 1A.** Said section 7 of said chapter 4, as so appearing, is hereby further amended by striking out, in line 174, the word "The" and inserting in place thereof the following word:– the.

**SECTION 2.** Section 12HH of chapter 6 of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the word "statue" and inserting in place thereof the following word:– Statue.

**SECTION 3.** Section 75 of said chapter 6, as so appearing, is hereby amended by striking out, in line 82, the word ", he".

**SECTION 4.** The third paragraph of section 125 of said chapter 6, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– The commission may appoint an executive secretary, research assistants, and legal, clerical, and other assistants as may be necessary to carry out its duties.

**SECTION 5.** Section 4B of chapter 7 of the General Laws, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following two sentences:– 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.

**SECTION 6.** The fourth paragraph of section 40C of said chapter 7, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– The deputy commissioner shall develop quantitative performance measures for each individual office and other administrative units located therein and for the division as a whole.

**SECTION 7.** Section 17 of chapter 10 of the General Laws, as amended by section 5 of chapter 599 of the acts of 1986, is hereby further amended by striking out the second sentence.

**SECTION 8.** Section 5 of chapter 15A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 19, the word "board" and inserting in place thereof the following word:– boards.

---

ACTS, 1987. - Chap. 465.

**SECTION 9.** The first paragraph of section 29 of chapter 19A of the General Laws, as so appearing, is hereby amended by striking out, in line 8, the word "time" and inserting in place thereof the following word:- term.

**SECTION 10.** Section 15 of chapter 19B of the General Laws, as appearing in section 9 of chapter 599 of the acts of 1986, is hereby amended by striking out, in line 30, the word "its" and inserting in place thereof the following word:- it.

**SECTION 11.** The General Laws are hereby amended by striking out chapter 19B, inserted by section 1 of chapter 655 of the acts of 1986, and inserting in place thereof the following chapter:-

CHAPTER 19C.

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 12.** Section 3A of chapter 21E of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 147, the word "are" and inserting in place thereof the following word:– as.

**SECTION 13.** The second paragraph of section 6 of chapter 29 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 operating budget shall be set out in accordance with the provisions of section six D 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.

**SECTION 14.** Section 53A of said chapter 29, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:–

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 issue or issues to be refunded, the projected dollar savings and the projected present value savings.

**SECTION 15.** Section 1 of chapter 29B of the General Laws, as so appearing, is hereby amended by striking out, in lines 13 and 18, the word "quotent" and inserting in place thereof, in each instance, the following word:– quotient.

**SECTION 16.** Section 4A of chapter 40F of the General Laws, inserted by section 5 of chapter 324 of the acts of 1987, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:–

The state treasurer acting on behalf of the commonwealth shall enter into an agreement with the corporation providing that the commonwealth shall purchase shares of the corporation in the amount of two million dollars per fiscal year of the commonwealth for a period of two such years; in return for said investment the commonwealth shall receive two hundred thousand shares, designated Class A shares, of stock in the

corporation per year upon each purchase for a total of four hundred thousand shares by the end of the second year. The state treasurer acting on behalf of the commonwealth shall enter into an agreement with the corporation providing that the commonwealth shall purchase shares of the corporation in the amount of five hundred thousand dollars per fiscal year of the commonwealth for a period of two such years; in return for said investment the commonwealth shall receive one hundred thousand shares, designated Class B shares, of stock in the corporation per year upon each such purchase for a total of two hundred thousand Class B shares by the end of the second year. These shares, together with the shares purchased by the state treasurer pursuant to section four, shall constitute the entire issues of stock of the corporation.

**SECTION 17.** Section 34 of chapter 53 of the General Laws is hereby amended by striking out the sixth paragraph, as appearing in the 1986 Official Edition, and inserting in place thereof the following paragraph:–

Against the name of a candidate for an elective office shall be printed the statement contained in the nomination paper placing him in nomination, except where vacancies caused by death, withdrawal or physical disability are filled.

**SECTION 18.** The seventh paragraph of said section 34 of said chapter 53, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– Except where vacancies caused by death, withdrawal or physical disability are filled, no names shall be printed on a ballot other than those presented on nomination papers.

**SECTION 19.** Section 8 of chapter 90 of the General Laws, as so appearing, is hereby amended by striking out, in line 57, the word "manufacture" and inserting in place thereof the following word:– manufacturer.

**SECTION 20.** Section 14 of said chapter 90, as so appearing, is hereby amended by striking out, in line 31, the word "the" and inserting in place thereof the following word:– than.

**SECTION 21.** Section 2 of chapter 90E of the General Laws, as so appearing, is hereby amended by striking out, in line 22, the word "advise" and inserting in place thereof the following word:– advice.

**SECTION 22.** Chapter 112 of the General Laws is hereby amended by striking out sections 38 and 39, as so appearing, and inserting in place thereof the following two sections:–

Section 38. No store or retail food store pharmacy department shall be kept open for the transaction of the retail drug business, or be advertised or represented as transacting such business, by means of any sign or advertisement containing the words "drug store", "pharmacy", "apothecary", "drug", "drugs", "medicine shop", or any combination of

such words, or otherwise, unless it is registered with, and a permit therefor has been issued by the board as provided in the following section; provided, however, that said words, or any of them, may, with the written permission of the board, be used with respect to a store or retail food store pharmacy department not registered with, and not having a permit issued by, the board as aforesaid, if in the town, or voting precinct thereof, where such store or retail food store pharmacy department is located there is no store or retail food store pharmacy department so registered and having such a permit. Such permit shall be displayed in a conspicuous place in the store or retail food store pharmacy department for which it is issued. The word "town", as used in this section, shall not include city. Identification of a retail food store pharmacy department by use of the words "drug store", "pharmacy", "apothecary", "drug", "drugs", "medicine shop", or any combination thereof shall be restricted to the area registered by the board for the transaction of the retail drug business.

Section 39. The board may, upon application made in such manner and form as it shall determine, register a store or retail food store pharmacy department for the transaction of the retail drug business, and issue to such person as it deems qualified to conduct such store or retail food store pharmacy department, a permit to keep it open; provided, however, that the board may deny such registration and refuse to issue such permit if, in its reasonable discretion, such store or retail food store pharmacy department would be inconsistent with or opposed to the best interests of the public health, welfare or safety, but 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 drug store or retail food store pharmacy department 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 under the provision 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 such failure to act is caused by the delay of the applicant, shall constitute an approval of the application and permit shall be issued. For the purposes of this section and section thirty-eight the term retail food store pharmacy department shall mean any area for the transaction of the retail drug business which is located within a retail food store.

**SECTION 23.** The last paragraph of subsection (b) of section 12 of chapter 119A of the General Laws, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- 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.

**SECTION 24.** Said section 12 of said chapter 119A, as so appearing, is



hereby amended by striking out, in line 87, the word "ha" and inserting in place thereof the following word:- has.

**SECTION 25.** Section 15 of chapter 123 of the General Laws, as so appearing, is hereby amended by striking out, in line 106, the word "for" and inserting in place thereof the following word:- from.

**SECTION 26.** Section 33 of said chapter 123, as amended by section 38 of chapter 599 of the acts of 1986, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- 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.

**SECTION 27.** Section 35 of said chapter 123, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 73, the word "presented" and inserting in place thereof the following word:- represented.

**SECTION 28.** The third paragraph of section 3 of chapter 123B 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 division shall conduct an adjudicatory hearing within ninety days in accordance with the provisions of chapter thirty A, and the burden of proof shall be on the department.

**SECTION 29.** Section 146 of chapter 127 of the General Laws is hereby amended by striking out, in lines 2 and 15, as so appearing, the words "three months" and inserting in place thereof, in each instance, the following words:- one month.

**SECTION 30.** Section 40 of chapter 131 of the General Laws, as so appearing, is hereby amended by striking out, in line 333, the word "ten A" and inserting in place thereof the following word:- seven A.

**SECTION 31.** Section 19B of chapter 138 of the General Laws, as so appearing, is hereby amended by inserting after the word "transfer", in lines 48 and 49, the following word:- or.

**SECTION 32.** The second paragraph of section 32R of chapter 140 of the General Laws, as so appearing, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:- 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 mobil home park.

**SECTION 33.** Section 131 of said chapter 140, as so appearing, is hereby amended by inserting after the word "more", in line 150, the following word:– than.

**SECTION 34.** Section 26A 1/2 of chapter 148 of the General Laws, as so appearing, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:–

Any building or structure subject to the provisions of this section shall comply with the following schedule for the installation of 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.

**SECTION 35.** Section 29 of chapter 151A of the General Laws, as so appearing, is hereby amended by striking out, in line 36, the word "six" and inserting in place thereof the following word:– fifteen.

**SECTION 36.** Said section 29 of said chapter 151A is hereby further amended by striking out the word "fifteen", inserted by section 35 of this act.

**SECTION 37.** Section 71A of said chapter 151A is hereby amended by striking out the definition of "Advance notification", as amended by section 141 of chapter 199 of the acts of 1987, and inserting in place thereof the following definition:–

"Advance notification", a voluntary declaration in writing given by the employer to the employee or to the employee's authorized collective bargaining agent that a plant closing will occur.

**SECTION 38.** Section 6 of chapter 151B of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 27, the words "paragraph (8) of section fourteen of chapter 30A" and inserting in place thereof the following words:– paragraph (7) of section fourteen of chapter thirty A.

**SECTION 39.** Section 1 of chapter 151D of the General Laws, as so appearing, is hereby amended by striking out, in line 111, the word "or" and inserting in place thereof the following word:– of.

**SECTION 40.** Section eleven A of chapter one hundred and fifty-two of the General Laws, as most recently amended by section three of

chapter six hundred and ninety-three of the acts of nineteen hundred and fifty-seven, is hereby repealed.

**SECTION 41.** Section 11A of said chapter 152 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out paragraph (1) and inserting in place thereof the following paragraph:-

(1) With the assistance of 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.

**SECTION 42.** Section 35A of said chapter 152, as so appearing, 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 his or its discretion order the insurer or self-insurer to make payment of the six dollars aforesaid directly to the dependent.

**SECTION 43.** Section 19E of chapter 159 of the General Laws, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

No person shall, in soliciting a sale or order for the sale 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.

**SECTION 44.** Section 9 of chapter 175 of the General Laws, as so appearing, is hereby amended by inserting after the word "calendar", in lines 216 and 217, the following word:- year.

**SECTION 45.** Section 5A of chapter 175A of the General Laws, as so appearing, is hereby amended by striking out the fifth paragraph.

**SECTION 46.** Said section 5A of said chapter 175A, as so appearing, is hereby further amended by inserting after the sixth paragraph the following paragraph:-

Every mutual company issuing medical malpractice insurance policies shall constitute such policies as a separate class of business for the purpose of paying dividends. Any dividends on such policies shall be declared on the profits of the company from said class of business.

**SECTION 47.** Section 8A of chapter 176A of the General Laws, as so appearing, is hereby amended by striking out paragraph (c) and inserting in place thereof the following paragraph:-

(c) In the case of out-patient benefits, these shall cover, to the extent of five hundred dollars over a twelve-month period, services furnished (1) by a comprehensive health service organization, (2) by a licensed or

accredited hospital (3) or subject to the approval of the department of mental health services furnished by a community mental health center or other mental health clinic or day care center which furnishes mental health services or (4) consultations or diagnostic or treatment sessions, provided that such services under this clause are rendered by a psychotherapist or a psychologist or licensed independent clinical social worker licensed under the provisions of chapter one hundred and twelve 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 specialist. For purposes of this clause "psychotherapist" shall mean a person fully licensed to practice medicine under the provisions of chapter one hundred and twelve, who devotes a substantial portion of his time to the practice of psychiatry.

**SECTION 48.** Section 8J of said chapter 176A of the General Laws, inserted by section 3 of chapter 363 of the acts of 1987, is hereby amended by inserting after the word "age", in line 10, the following words:- and older.

**SECTION 49.** Chapter 176B of the General Laws is hereby amended by striking out section 4G, inserted by section 4 of said chapter 363, and inserting in place thereof the following section:-

Section 4I. 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 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 of cytologic screening and mammographic examination. Said benefits shall be at least equal to the following minimum requirement: (a) in the case of benefits for cytologic screening, said benefits shall provide for an annual cytologic screening for women eighteen years of age and older; and (b), in the case of benefits for mammographic examination said benefits shall provide for a baseline mammogram for women between the ages of thirty-five and forty and for mammogram on an annual basis for women forty years of age and older.

**SECTION 50.** Chapter 176G of the General Laws is hereby amended by striking out section 4B, inserted by section 4 of chapter 618 of the acts of 1986, and inserting in place thereof the following section:-

Section 4C. 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.

**SECTION 51.** Section 6 of chapter 191B of the General Laws, as appearing in section 2 of chapter 319 of the acts of 1987, is hereby amended by striking out, in line 2, the words "(a)(2)(iii)".

---

**ACTS, 1987. - Chap. 465.**

**SECTION 52.** Subparagraph (2) of said section 6 of said chapter 191B, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- For the purpose of making such discretionary payments, the principal shall be administered as two separate shares, which at the inception of the trust shall be equal.

**SECTION 53.** Subsection (e) of section 8 of said chapter 191B, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- If any issue whose share is held in trust under the provisions of this section dies before the complete distribution of the share, the property to which the issue would have been entitled if living shall be distributed to the assignees, or, if none, to the estate of the deceased issue.

**SECTION 54.** Section 12 of said chapter 191B, as so appearing, is hereby amended by striking out subsection (e) and inserting in place thereof the following subsection:-

(e) In all other cases, personal representatives and trustees shall be appointed by the court.

**SECTION 55.** Subsection (a) of section 13 of said chapter 191B, as so appearing, is hereby amended by striking out clause (16) and inserting in place thereof the following clause:-

(16) enter into a lease or arrangement for exploration and removal of minerals or other natural resources or enter into a pooling or unitization agreement.

**SECTION 56.** Section 6A of chapter 201 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting before the word "A", in line 1, the following:- (a).

**SECTION 57.** Chapter 201A of the General Laws, as so appearing, is hereby amended by striking out the title and inserting in place thereof the following title:- UNIFORM TRANSFERS TO MINORS ACT.

**SECTION 58.** Section 20 of said chapter 201A, as so appearing, is hereby amended by striking out clause (2) and inserting in place thereof the following clause:-

(2) the minor's attainment of majority under the laws of the commonwealth, other than this chapter, with respect to custodial property transferred under (i) section six; or (ii) section seven, except in the case of a transfer to a custodian nominated as provided in section three; or.

**SECTION 59.** Chapter 221B of the General Laws is hereby amended by striking out section 7, as so appearing, and inserting in place thereof the following two sections:-

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 7A. 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 60.** Chapter 231 of the General Laws is hereby amended by striking out section 60F, inserted by section 17 of chapter 223 of the acts of 1985, and inserting in place thereof the following section:–

Section 60J. Every action for negligence in the distribution, sale or serving of alcoholic beverages to a minor or to an intoxicated person shall be commenced in the superior court department and shall proceed according to the Massachusetts Rules of Civil Procedure unless otherwise provided for by this section.

The plaintiff shall file, together with his complaint, or at such later time not to exceed ninety days thereafter, an affidavit setting forth sufficient facts to raise a legitimate question of liability appropriate for judicial inquiry.

Any party may make a motion for summary judgment pursuant to Rule 56 of the Massachusetts Rules of Civil Procedure. Any such motion shall be heard and decided promptly after issue is joined as to any party, unless the court enlarges the time for discovery. Said enlarged time for discovery shall not exceed ninety days, except on further order of the court.

On or within thirty days of filing a notice of appeal from summary judgment adverse to a plaintiff, the plaintiff shall file a bond in the amount of two thousand dollars for each adverse party on appeal secured by cash or its equivalent with the clerk of the appellate court in which

---

**ACTS, 1987. - Chap. 465.**

the case is pending. Said bond shall be payable to the named adverse party or parties for costs assessed and attorney fees on appeal, if the appellant does not prevail on appeal. Upon motion filed by the plaintiff, and a determination by a single justice of the appellate court that the plaintiff is indigent, said justice may reduce or eliminate the amount of the bond.

If a judgment is entered for a plaintiff, the court shall report its judgment to the alcoholic beverages control commission.

**SECTION 61.** Section 60G of said chapter 231, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 31, the words "of the General Laws".

**SECTION 62.** Section 12 of chapter 269 of the General Laws, as so appearing, is hereby amended by striking out, in line 34, the words "two hundred" and inserting in place thereof the following words:- one thousand.

**SECTION 63.** Section 85A of chapter 276 of the General Laws, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof 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.

**SECTION 64.** Section 5 of chapter 212 of the acts of 1975 is hereby amended by striking out the second paragraph, added by section 9 of chapter 762 of the acts of 1979.

**SECTION 65.** Section fourteen of chapter three hundred and thirty-four of the acts of nineteen hundred and eighty-six is hereby repealed.

**SECTION 66.** Chapter five hundred and eleven of the acts of nineteen hundred and eighty-six is hereby repealed.

**SECTION 67.** Chapter five hundred and eighty-three of the acts of nineteen hundred and eighty-six is hereby repealed.

**SECTION 68.** Section 4 of chapter 627 of the acts of 1986 is hereby amended by striking out, in line 2, the word "twenty-one A" and inserting in place thereof the following word:- twenty-one C.

**SECTION 69.** Chapter 655 of the acts of 1986 is hereby amended by striking out section 2 and inserting in place thereof the following section:-

**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

---

**ACTS, 1987. - Chap. 466.**

nineteen C 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.

**SECTION 70.** Section 1 of chapter 106 of the acts of 1987 is hereby amended by striking out, in line 7, the word "Black" and inserting in place thereof the following word:- Blackstone.

**SECTION 71.** Section three of chapter one hundred and fourteen of the acts of nineteen hundred and eighty-seven is hereby repealed.

**SECTION 72.** Chapter one hundred and twenty-three of the acts of nineteen hundred and eighty-seven is hereby repealed.

**SECTION 73.** Section eight of chapter one hundred and thirty of the acts of nineteen hundred and eighty-seven is hereby repealed.

**SECTION 74.** Chapter three hundred and forty-nine of the acts of nineteen hundred and eighty-seven is hereby repealed.

**SECTION 75.** Section thirty-five of this act shall take effect as of March ninth, nineteen hundred and eighty-seven and shall cease to be operative on January first, nineteen hundred and eighty-eight.

**SECTION 76.** Section thirty-six of this act shall effect on January first, nineteen hundred and eighty-eight.

Approved November 3, 1987.

---

**Chapter 466. AN ACT RELATIVE TO EXPENDITURES OF FUNDS BY THE HISTORICAL COMMISSION OF THE TOWN OF PALMER.**

Be it enacted, etc., as follows:

The town of Palmer is hereby authorized to establish a special fund to be maintained by the town treasurer. Said town may appropriate and deposit in said fund the proceeds from the sale of properties under the care and control of the historical commission of said town and any monetary gifts or donations to said commission. Said fund and the interest derived therefrom shall be used by said commission for capital expenditures authorized under the provisions of section eight D of chapter forty of the General Laws.

Approved November 3, 1987.



**Chapter 467. AN ACT RELATIVE TO PROFESSIONAL PEER REVIEW.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 1 of chapter 111 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the definition of "Health care provider" and inserting in place thereof the following definition:-

"Health care provider", any doctor of medicine, osteopathy, or dental science, or a registered nurse, social worker or psychologist 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 2.** Section 70 of said chapter 111, as so appearing, is hereby amended by adding the following paragraph:-

The term "record" as used herein shall not include within its meaning the records or proceedings of medical peer review committees as defined in section one.

**SECTION 3.** Section 204 of said chapter 111, as so appearing, is hereby amended by striking out paragraphs (a) and (b) and inserting in place thereof the following two paragraphs:-

(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 boards of registration in medicine, social work, or psychology, 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 boards of registration in medicine, social work or psychology, 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

---

**ACTS, 1987. - Chaps. 468, 469.**

the provisions of this section apply to any investigation or administrative proceeding conducted by the boards of registration in medicine, social work or psychology.

Approved November 3, 1987.

---

**Chapter 468. AN ACT FURTHER DEFINING THE CRIMES OF LARCENY, MALICIOUS DESTRUCTION OF PERSONAL PROPERTY, RECEIVING STOLEN GOODS AND FRAUDULENT USE OF A CREDIT CARD.**

Be it enacted, etc., as follows:

**SECTION 1.** Paragraph (1) of section 30 of chapter 266 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in lines 8 and 13, the words "one hundred" and inserting in place thereof, in each instance, the words:- two hundred and fifty.

**SECTION 2.** Section 37B of said chapter 266, as so appearing, is hereby amended by striking out, in lines 23, 27 and 28 and in lines 35 and 43, the words "one hundred" and inserting in place thereof, in each instance, the words:- two hundred and fifty.

**SECTION 3.** Section 37C of said chapter 266, as so appearing, is hereby amended by striking out, in lines 11, 16, 22 and 29, the words "one hundred" and inserting in place thereof, in each instance, the words:- two hundred and fifty.

**SECTION 4.** Section 60 of said chapter 266, as so appearing, is hereby amended by striking out, in lines 6 and 7 and in lines 10 and 11, the words "one hundred" and inserting in place thereof, in each instance, the words:- two hundred and fifty.

**SECTION 5.** Section 127 of said chapter 266, as so appearing, is hereby amended by striking out, in line 13, the words "one hundred" and inserting in place thereof the words:- two hundred and fifty.

Approved November 3, 1987.

---

**Chapter 469. AN ACT RELATIVE TO ASSESSMENT OF LOCAL TAXES.**

Be it enacted, etc., as follows:

Chapter 59 of the General Laws is hereby amended by inserting after section 21A the following section:-

Section 21A 1/2. In any city or town which accepts this section, an

---

**ACTS, 1987. – Chaps 470, 471.**

assessor or assistant assessor, who has completed the necessary courses of study and training and has been awarded a certificate by the International Association of Assessing Officers as a certified assessment evaluator or who has been awarded a certificate by the Association of Massachusetts Assessors as a certified Massachusetts assessor, shall receive as compensation from such city or town, in addition to the regular compensation paid by such city or town for services in such office, an amount equal to ten per cent of such regular compensation. An assessor who has been awarded both certificates referred to above shall receive such additional compensation for only one of such certificates. In order to qualify for such additional compensation, an assessor or assistant assessor shall submit proof that he has been awarded either or both of the aforesaid certificates to the mayor or the board of selectmen of such city or town. The additional compensation herein provided shall be prorated for any twelve month period in which an eligible person does not hold the office of assessor or assistant assessor for twelve consecutive months. In those cities and towns which accept the provisions of section twenty-one A, this section shall not be applicable.

Approved November 3, 1987.

---

**Chapter 470. AN ACT FURTHER REGULATING THE SALES OF MOTOR VEHICLES.**

Be it enacted, etc., as follows:

Section 7N of chapter 90 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 13, the word "ten" and inserting in place thereof the word:- fourteen.

Approved November 3, 1987.

---

**Chapter 471. AN ACT REQUIRING MOTOR VEHICLES TRANSPORTING SPECIAL NEEDS CHILDREN TO DISPLAY THE NAME AND ADDRESS OF THE OWNER OF THE VEHICLE.**

Be it enacted, etc., as follows:

Chapter 90 of the General Laws is hereby amended by inserting after section 7BB the following section:-

Section 7CC. Every person or company contracting to transport by motor vehicle one or more special needs children who are enrolled in a public or private school shall conspicuously display, in lettering, not less than four inches square, on such motor vehicle the name and address of the owner thereof. Whoever violates the provisions of this section shall

be punished by a fine of one hundred dollars.

Approved November 3, 1987.

---

**Chapter 472. AN ACT ALLOWING CERTAIN PUBLIC EMPLOYEES TO SERVE ON VARIOUS HIGHER EDUCATION BOARDS.**

Be it enacted, etc., as follows:

**SECTION 1.** The fifth paragraph of section 2 of chapter 15A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- No member of said board of regents shall be principally employed within the public higher education system of the commonwealth; provided, however, that no more than one-third of the members shall be principally employed by the commonwealth.

**SECTION 2.** The first paragraph of section 9 of said chapter 15A, as so appearing, is hereby amended by striking out the ninth sentence and inserting in place thereof the following sentence:- No member of a board of trustees shall be principally employed within the public higher education system of the commonwealth; provided, however, that no more than one-third of the members shall be principally employed by the commonwealth.

Approved November 3, 1987.

---

**Chapter 473. 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 1986 Official Edition, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

For the purposes of this paragraph, the term "sexual harassment" shall mean sexual advances, requests for sexual favors, and other verbal or 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 individual's 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.

---

**ACTS, 1987. – Chaps. 474, 475.**

**SECTION 2.** Section 1 of chapter 151B of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out paragraph 18 and inserting in place thereof the following paragraph:–

18. The term "sexual harassment" shall mean sexual advances, requests for sexual favors, and other verbal or 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 individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment. Discrimination on the basis of sex shall include, but not be limited to, sexual harassment.

Approved November 3, 1987.

---

**Chapter 474. AN ACT AUTHORIZING THE LICENSING AUTHORITY OF THE CITY OF CHELSEA TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES TO THE CHELSEA YACHT CLUB.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority in the city of Chelsea is hereby authorized to issue 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 except for section seventeen to Chelsea Yacht Club; 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 reappointment under said section seventeen.

Approved November 3, 1987.

---

**Chapter 475. AN ACT ESTABLISHING THE POSITION OF SUPER-INTENDENT OF STREETS IN THE TOWN OF WEST SPRINGFIELD.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter eight hundred and fifty-eight of the acts of nineteen hundred and sixty-five is hereby repealed.

---

**ACTS, 1987. - Chaps. 476, 477.**

**SECTION 2.** There is hereby established in the town of West Springfield the office of superintendent of streets who shall exercise the powers and duties that were exercised by said office immediately prior to the effective date of said chapter eight hundred and fifty-eight of the acts of nineteen hundred and sixty-five.

**SECTION 3.** The offices of town engineer and superintendent of streets in the town of West Springfield shall not be subject to the provisions of chapter thirty-one of the General Laws.

Approved November 3, 1987.

---

**Chapter 476. AN ACT RELATIVE TO WATER SUPPLY IN THE TOWN OF NANTUCKET.**

Be it enacted, etc., as follows:

Chapter 307 of the acts of 1925 is hereby amended by inserting after section 8 the following section:-

**Section 8A.** Said town shall at a meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year, from the next succeeding annual town meeting, to constitute a board of water commissioners; and at the annual town meeting held on the day the shortest of such terms expires and at each annual town meeting thereafter one such commissioner shall be elected by ballot for a term of three years. Said board of commissioners shall be vested with all the authority granted to the town by this act except sections five and six and not otherwise specially provided for with respect to the supply of water for the extinguishment of fires and for domestic and other purposes in that part of the town of Nantucket known as Siasconset.

A majority of said commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose. Any such vacancy may be filled temporarily by a majority vote of the selectmen, and the person so appointed shall hold office until the town fills the vacancy in the manner specified herein.

Approved November 3, 1987.

---

**Chapter 477. AN ACT RELATIVE TO PRIVILEGED COMMUNICATIONS OF SEXUAL ASSAULT VICTIMS.**

Be it enacted, etc., as follows:

Section 20J of chapter 233 of the General Laws, as appearing in the

---

**ACTS, 1987. - Chap. 478.**

1986 Official Edition, is hereby amended by striking out the definition of "Sexual assault counsellor" and inserting in place thereof the following definition:-

"Sexual assault counsellor", a person who is employed by or is a volunteer in a rape crisis center, has undergone thirty-five hours of training, who reports to and is under the direct control and supervision of a licensed social worker, nurse, psychiatrist, psychologist or psychotherapist and whose primary purpose is the rendering of advice, counseling or assistance to victims of sexual assault.

Approved November 3, 1987.

---

**Chapter 478. AN ACT IMPROVING PUBLIC LIBRARIES.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide state funding and assistance in the improvement of local libraries, 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 78 of the General Laws is hereby amended by striking out section 19A, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 19A. The state treasurer shall annually, on or before July first, pay from monies appropriated from the Local Aid Fund for that purpose, to each city or town certified by the board of library commissioners to have met certain minimum standards of free public library service established by said board, an amount to be used for the free public library or libraries of said city or town, to be determined as follows:-

(1) to each town having a population of less than two thousand five hundred, a sum equivalent to the amount appropriated by it for free public library service during the preceding year, but in no event more than one thousand two hundred and fifty dollars;

(2) to each city and to each town having a population of two thousand five hundred or more, a sum not exceeding fifty cents for each resident therein; provided, however, that such city or town appropriates during the preceding year for its free public library service at least one thousand two hundred and fifty dollars;

(3) to each city and town, in addition to the amount specified in paragraph (1) or (2), a sum determined by allocating the remaining available amount among the cities and towns according to the provisions of section eighteen C of chapter fifty-eight.

(4) in addition to the amounts specified in paragraphs (1), (2) and (3), to each city or town whose library is designated a major nonresident lender by said board, an amount for the purpose of offsetting the costs of

extending said service to nonresidents. Said amount shall be determined by said board by allocating the sum appropriated for this purpose according to criteria and formulae developed by said board in consultation with the regional public library systems established under section nineteen C.

No city or town shall receive any money under this section 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. Said board may, upon petition of a community, waive aforesaid requirement upon demonstration of fiscal hardship. Said waiver may only be granted by said board in a given fiscal year to not more than ten cities and towns in the commonwealth.

**SECTION 2.** Section 19B of said chapter 78, as so appearing, is hereby amended by striking out clauses (4), (5), (6) and (7) and inserting in place thereof the following four clauses:-

(4) employ trained library personnel in accordance with regulations promulgated by the board of library commissioners,

(5) expend a reasonable portion of the library's total budget on library materials,

(6) lend books to other libraries in the commonwealth and extend privileges to the holders of cards issued by other public libraries in the commonwealth on a reciprocal basis,

(7) include in their annual report the total number of nonresident loans and nonresident circulation as a percentage of the library's total circulation, as certified by the librarian and subject to an audit by the state auditor.

**SECTION 3.** Section 19C of said chapter 78, as so appearing, is hereby amended by striking out clause (4) and inserting in place thereof the following two clauses:-

(4) In addition to the sums provided in clause (3), the Boston public library, as the library of last recourse for reference and research services for the commonwealth, shall be entitled to receive in state aid the sum of fifty cents for each resident of the commonwealth;

(5) Any employee employed in a position identified as a regional position in a public library which accepts funds under this section shall not be required to comply with residency requirements. For purposes of this section, "regional position" shall mean a full-time or part-time position for which at least fifty per cent of the funding is provided by the commonwealth pursuant to this section.

**SECTION 4.** The second paragraph of section 19E of said chapter 78, as so appearing, is hereby amended by striking out clause (6) and inserting in place thereof the following clause:-

(6) To aid public library planning, reconstruction and construction. The board shall adopt standards consistent with the provisions of sections



nineteen G to nineteen K, inclusive, in allocating funds for these purposes.

**SECTION 5.** Said chapter 78 is hereby further amended by inserting after section 19F the following five sections:–

Section 19G. The board of library commissioners shall, subject to appropriation, establish and administer a program of state assistance to cities and towns in the planning, reconstruction, construction, design, acquisition of real property, renovation, preservation, rehabilitation, demolition or expansion of a facility to be used as a free public library.

The board may, in accordance with the provisions of this section and sections nineteen H to nineteen K, inclusive, provide grant funds to such cities and towns which apply for funding of projects authorized by this section; provided, however, that said grant shall not exceed seventy-five per cent of the cost of an approved library project, including interest and the cost of planning thereof.

Section 19H. As used in sections nineteen G to nineteen K, inclusive, the following words shall, unless the context otherwise requires, have the following meanings:–

"Addition, expansion or extension", work which will result in an increase in the overall external dimension of a public library facility.

"Alteration", work required to modify or adjust the interior space arrangement or other physical characteristics of an existing public library facility so that it may be more effectively utilized for its present designated functional purpose.

"Approved public library project", an undertaking for the planning, alteration, construction, demolition, reconstruction, renovation, addition, expansion, extension, or rehabilitation of a public library facility as approved by a majority vote of the town at a town meeting or by a majority vote of a city council, with the approval of the mayor, in the case of a city or in a municipality having a town council form of government, by vote of the town council.

"Construction", new construction, alteration, renovation, rehabilitation, or other activity that is intended to result in a significant increase in the internal useable space of a free public library.

"Master plan", a study, description, or design of an approved library project which is intended to ensure that various components of an approved public library project shall be compatible with each other and that the approved public library project as a whole is compatible with its surroundings.

"Planning", the preparation of a master plan, study, analysis, or similar report the purpose of which is to define the cost, content and schedule of an approved library project so as to establish a frame of reference prior to design, acquisition, construction, alteration, renovation, rehabilitation or other activity of an approved public library project.

"Public agency", a department, board, commission, council or other instrumentality of a city or town.

"Public library facility", a building or other structure utilized as a

free public library in a city or town.

"Rehabilitation", work required to restore a public library facility to its former historic condition, or to modify and modernize a public library facility in order that it may be effectively utilized for its designated functional purpose.

"Renovation", work required to restore and modernize most of a public library facility in order that the facility may be effectively utilized for its designated functional purpose or to comply with current code requirements.

"Study", a plan, analysis or report to identify and evaluate alternative solutions to and recommendations for a solution to the needs and requirements defined by a public agency proposing an approved public library project.

Section 19I. The board of library commissioners shall establish rules and regulations which shall govern the application for and distribution of said funds. Any such rule and regulation shall require that any city or town receiving a grant for an approved public library project for the planning, construction, renovation, alteration, addition, expansion or demolition of a public library facility make a financial commitment to the project for which the grant is awarded.

An application must be for an approved public library project and shall be in such form as prescribed by said board and shall be accompanied by such additional master plan, information, drawings, plans, estimates of costs and proposals for defraying such costs as the board may require. The board may consult with the division of capital planning and operations under the secretary of administration and finance as to the feasibility and cost of any such application.

Said board may, if it is satisfied that the application so submitted meets the requirements as established by said board and that the expenses to be incurred are reasonable, certify to the comptroller for payment to such city and town such amount as it may deem proper and the state treasurer shall forthwith make payments so certified from any funds appropriated therefor.

Section 19J. In allocating said funds, the board shall give priority to library construction projects within communities (a) in which the most recent fiscal year's tax levy as a per cent of its levy limit exceeds the statewide average, as determined by the commissioner of revenue; (b) that demonstrate strong local annual operating support for public libraries; (c) that have a high degree of demand for public library services; (d) which undertake significant cooperation with other municipalities to improve public library services; (e) which are in strict compliance with the standards established under this chapter; (f) where library projects are needed, in the judgment of the board, to renovate a building which is structurally unsound, lacking handicapped access or otherwise in a condition seriously jeopardizing the safety of the public and where no viable alternatives exist; and (g) where library projects are needed for the replacement, renovation or modernization of the heating system, roof or other project relating to energy efficiency.

Section 19K. Cities and towns may accept grants or gifts for purposes of library construction or renovations, including the planning therefor from private persons or corporations and from charitable foundations and may disburse the same for such purposes. Cities and towns may include any such funds in the determination of the local match in applying for assistance from the commonwealth for a grant for an approved public library project. Any amounts so received by a city or town shall be deposited with the treasurer of such city or town and held as a separate account and may be expended without further appropriation, notwithstanding the provisions of section fifty-three of chapter forty-four.

**SECTION 6.** Section 25 of said chapter 78, as appearing in the 1986 Official Edition, is hereby amended by adding the following paragraph:-

No regulation shall be accepted for filing with the state secretary unless such regulation has been submitted to the clerks of the senate and house of representatives who shall refer such regulations to the appropriate joint committee for its review and comment ninety days prior to the effective date of said regulations. Said committee may submit written comments and suggested changes, if any, to the board at least sixty days prior to said effective date. The board in filing its regulations shall consider the comments and suggested changes and submit revised regulations, or a detailed explanation of why the suggested changes will not be adopted, to such committee at least thirty days prior to the effective date of the regulations.

**SECTION 7.** The board of library commissioners shall establish a competitive grant program for the purpose of providing funds, subject to appropriation, to implement new projects in public libraries. Such grants shall not be made for the support of ongoing operational project expenses beyond the time determined by said board as necessary to implement a project, which in no case shall exceed two years. The board shall establish minimum requirements to be met by all applicants for grants under this program, which shall include but not be limited to the requirements that said applicants shall not use grant monies to replace local operational monies, shall pay a certain portion of the implementation costs of a project and shall agree to pay the operating costs of a project after its implementation.

Grants awarded under this section are to be awarded for innovative public library projects, including but not limited to the establishment of automated resource sharing clusters, programs of interlibrary cooperation among different types of libraries, the purchase of computer equipment, the hiring of temporary staff to convert a library to a computerized system, the coordination of collection development among libraries in a cluster, acquisition of telecommunications equipment, development of information and referral services, literacy projects, access centers for the handicapped, and informational efforts aimed at stimulating interest in libraries.

**SECTION 8.** There is hereby appropriated the sum of six hundred thousand dollars, to be paid from the Local Aid Fund, to be distributed by the board of library commissioners equally among those cities and towns which qualify for aid under the provisions of subsection (5) of section seventy of chapter two hundred and six of the acts of nineteen hundred and eighty-six with a Pline concentration of twenty per centum or greater. Said distribution shall be for the sole purpose of purchasing library materials, with preference to be given to materials which would be directly relevant to population groups included in said section. All funds appropriated and distributed in accordance with the provisions of this section shall be used solely for the purchase of library materials and shall not be used to supplant or supplement any other function or operation of the recipient city or town's library nor shall said funds be used for salaries, maintenance or administrative expenses.

**SECTION 9.** The board of library commissioners is hereby authorized to expend a sum not exceeding thirty-five million dollars for a program of grants to cities and towns for approved public library projects as authorized by section five of this act. Grants for approved public library projects shall be awarded only for projects on which construction will commence after July first, nineteen hundred and eighty-six, except that libraries which house subregional and consortium facilities and which were in the construction-in-progress stage as of July first, nineteen hundred and eighty-six shall be eligible for reimbursement under this act for those portions of construction costs directly attributable to the building's function as a subregional library.

**SECTION 10.** To meet the expenditures necessary in carrying out the provisions of section nine of this act, the state treasurer shall, upon 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 dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Capital Outlay Loan - Public Library Facilities, Act of 1987 and shall be in accordance with recommendations of the governor submitted pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, be issued for maximum terms not exceeding twenty years and be payable not later than June thirtieth, two thousand and seventeen. All interest and payments on account of principal of such obligations shall be payable from the Local Aid Fund. Bonds issued under authority of this section and the interest thereon shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

**SECTION 11.** 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 authorized by section nine of this act and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such times and at

---

**ACTS, 1987. - Chaps. 479, 480.**

such rates as shall be fixed by the state treasurer. In accordance with the recommendations which the governor shall submit pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, such notes 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-two. Such notes and any renewals thereof shall be general obligations of the commonwealth.

**SECTION 12.** Section seven of this act shall expire on June thirtieth, nineteen hundred and eighty-nine.

Approved November 4, 1987.

---

**Chapter 479. AN ACT RELATIVE TO THE APPOINTMENT OF SPECIAL POLICE OFFICERS IN THE TOWN OF BROOKLINE.**

Be it enacted, etc., as follows:

**SECTION 1.** The board of selectmen of the town of Brookline or its designee may, on the application of any corporation or person whom it deems responsible, and demonstrates a need, appoint special police officers. Such special police officers shall not be compensated by said town. Any special police officer, appointed on the application of a person or corporation, shall not be considered an employee or agent of the town of Brookline for the purpose of chapter two hundred and fifty-eight of the General Laws. Said town and its employees shall not be liable for the conduct of any such special police officers.

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

Approved November 10, 1987.

---

**Chapter 480. AN ACT REQUIRING CERTAIN DISCLOSURES TO MATERNITY PATIENTS BY ADMITTING HOSPITALS.**

Be it enacted, etc., as follows:

**SECTION 1.** The sixth paragraph of section 70E of chapter 111 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out clause (i).

**SECTION 2.** Said section 70E of said chapter 111, as so appearing, is hereby further amended by inserting after the sixth paragraph the following paragraph:-

---

**ACTS, 1987. - Chaps. 481, 482.**

Every maternity patient, at the time of pre-admission, shall receive complete information from an admitting hospital: on its annual rate of primary caesarian sections; annual rate of repeat caesarian sections; the annual percentage of women who have had a caesarian section who have had a subsequent successful vaginal birth; the annual percentage of deliveries in birthing rooms and labor-delivery-recovery rooms; the annual percentage which were externally monitored only; the annual percentage which were internally monitored only; the annual percentage which were both internally and externally monitored; the annual percentage utilizing inductions, epidurals and general anesthesia; and the annual percentage of women breast-feeding upon discharge from said hospital.

Approved November 10, 1987.

---

**Chapter 481. AN ACT FURTHER REGULATING THE ILLEGAL USE OF BUILDINGS OR STRUCTURES.**

Be it enacted, etc., as follows:

**SECTION 1.** The second paragraph of section 7 of chapter 40A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "law", in line 36, the words: - ; and provided, further, that no action, criminal or civil, the effect or purpose of which is to compel the removal, alteration, or relocation of any structure by reason of any alleged violation of the provisions of this chapter, or any ordinance or by-law adopted thereunder, or the conditions of any variance or special permit granted by a permit granting authority, shall be maintained, unless such action, suit or proceeding is commenced and notice thereof recorded in the registry of deeds for such county or district in which the land lies within ten years next after the commencement of the alleged violation.

**SECTION 2.** Section 60 of chapter 143 of the General Laws, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Upon such a petition there shall be no presumption except in Boston that the defendant acted without a license or authority.

Approved November 10, 1987.

---

**Chapter 482. AN ACT AUTHORIZING THE TOWN OF GREENFIELD TO PAY CERTAIN BENEFITS TO ELAINE CARMODY.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law, rule or

---

**ACTS, 1987. – Chap. 483.**

regulation to the contrary, the retirement board of the town of Greenfield, is hereby authorized to pay to Elaine Carmody, widow of Robert Carmody, a deceased policeman from the town of Greenfield, such benefits as provided for widows of deceased members of a retirement system pursuant to the provisions of section six of chapter thirty-two of the General Laws.

Approved November 10, 1987.

---

**Chapter 483. AN ACT FURTHER REGULATING THE DETERMINATION OF VALUE OF CERTAIN PROPERTY BY THE COMMISSIONER OF REVENUE.**

Be it enacted, etc., as follows:

**SECTION 1.** The first paragraph of section 38A of chapter 59 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following three sentences:– Failure to make the return required by this section shall bar such owner from any appeal of the commissioner's determination of value under this section, unless such owner was unable to comply with such request for reasons beyond such owner's control. If any owner 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 such person from any appeal under this section. If any such owner shall in any year fail to make the return required by this section, the commissioner shall estimate the value of the property, according to his best information and belief.

**SECTION 2.** The second paragraph of said section 38A of said chapter 59, as so appearing, is hereby amended by striking out, in line 15, the word "May" and inserting in place thereof the following word:– June.

**SECTION 3.** Said second paragraph of said section 38A of said chapter 59, as so appearing, is hereby further amended by striking out, in line 20, the word "June" and inserting in place thereof the following word:– July.

**SECTION 4.** Section 41 of said chapter 59, as so appearing, is hereby amended by adding the following two sentences:– Failure to make the return required by this section shall bar the company from any appeal of the commissioner's determination of value under section thirty-nine, unless such company was unable to comply with such request for reasons beyond such company's control. If any company, or any treasurer thereof, in a return made under this section makes any statement which is known to be false in a material particular, such false statement shall bar it from any appeal under section thirty-nine.

**SECTION 5.** Said chapter 59 is hereby further amended by striking out section 42, as so appearing, and inserting in place thereof the following section:–

---

**ACTS, 1987. - Chap. 484.**

---

Section 42. If any company, or any treasurer thereof, shall in any year, fail to make the return required by section forty-one, the commissioner shall estimate the value of the property of the company according to his best information and belief.

Approved November 10, 1987.

---

**Chapter 484. AN ACT FURTHER REGULATING PROCEDURES FOR THE ADOPTION OF HOME RULE CHARTERS BY COUNTIES.**

Be it enacted, etc., as follows:

**SECTION 1.** Subsection (B) of section 3 of chapter 34A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Upon the filing with the state secretary of a petition under section three, the state secretary shall furnish a receipt for the same to the person or persons filing the petition, and within thirty days after the filing of any such petition which contains the necessary number of certified signatures, the state secretary shall notify the city council of each city in such county and the board of selectmen of each town in such county that the question of the adoption or revision of a charter under this chapter is to be submitted to the voters of such county; provided, however, that the provisions of this section for a petition of registered voters shall not apply in the year nineteen hundred and eighty-six.

**SECTION 2.** Subsection (B) of section 4 of said chapter 34A, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The question in subsection (A) of section three shall be printed on the ballot after the statewide questions on the ballot.

**SECTION 3.** Subsection (B) of section 11 of said chapter 34A, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

In addition, there shall be printed and made available at least ninety days before the election at cost to the public at large, a number of copies equal to at least one-tenth of one per cent of the county's registered voters.

**SECTION 4.** The last paragraph of said subsection (B) of said section 11 of said chapter 34A, as so appearing, is hereby amended by striking out, in line 3, the word "finding" and inserting in place thereof the word:- findings.

**SECTION 5.** Section 13 of said chapter 34A, as so appearing, is hereby amended by striking out subsection (A) and inserting in place thereof the



following subsection:-

(A) If the charter commission shall have recommended the adoption of one of the optional forms of government authorized by this chapter, the charter commission shall notify the state secretary by the first Wednesday in August to place the following referendum question on the election ballot:

"Shall the (designate the caption of section \_\_\_\_\_ of the County Charter Procedures Act) be adopted for ..... county, with the provision for a board of commissioners of \_\_\_\_\_ members elected for (concurrent or non-concurrent as the case may be) terms and elected (at large, or from districts)?"

The question shall appear on the ballot at the next biennial state election. At such election, the referendum question shall appear on the ballot in the same manner as other public questions are printed on the ballot. The attorney general shall prepare the summary to accompany such question.

**SECTION 6.** Paragraph (B) of the third paragraph of subsection (c) of section 14 of said chapter 34A, as so appearing, is hereby amended by striking out, in line 54, the word "containing" and inserting in place thereof the word:- contained.

**SECTION 7.** Section 15 of said chapter 34A, as so appearing, is hereby amended by striking out, in line 1, the word "Upon" and inserting in place thereof the word:- (A) Upon.

**SECTION 8.** Subsection (B) of said section 15 of said chapter 34A, as so appearing, is hereby amended by striking out, in lines 12 and 13, the words "and finance, and" and inserting in place thereof the words:- finance and.

**SECTION 9.** Subsection (A) of section 16 of said chapter 34A, as so appearing, is hereby amended by striking out, in line 4, the word "Massachusetts." and inserting in place thereof the word:- Massachusetts.

**SECTION 10.** Subsection (B) of section 3 of chapter 801 of the acts of 1985 is hereby amended by inserting after the word "therein", in line 11, the words:- no sooner than six months prior to the date by which the petition is to be filed with the state secretary.

**SECTION 11.** Said subsection (B) of said section 3 of said chapter 801 is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- The provisions of this section for a petition of registered voters shall not apply in the year nineteen hundred and eighty-six.

**SECTION 12.** Subsection (B) of section 4 of said chapter 801 is hereby amended by striking out the last sentence and inserting in place thereof

---

**ACTS, 1987. - Chap. 485.**

the following sentence:- The question in subsection (A) of section three shall be the first question after the statewide questions on the ballot.

**SECTION 13.** The first paragraph of subsection (B) of section 11 of said chapter 801 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- In addition, there shall be printed and made available at least ninety days before the election at cost to the public at large a number of copies equal to at least one per cent of the county's registered voters.

**SECTION 14.** The last paragraph of said subsection (B) of said section 11 of said chapter 801 is hereby amended by striking out, in line 2, the word "finding" and inserting in place thereof the word:- findings.

**SECTION 15.** Subsection (A) of section 13 of said chapter 801 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The question shall appear on the ballot at the next biennial state election.

**SECTION 16.** Clause (B) of the third paragraph of subsection (c) of section 14 of said chapter 801 is hereby amended by striking out, in line 12, the word "containing" and inserting in place thereof the word:- contained.

**SECTION 17.** Clause (iii) of subsection (B) of section 15 of said chapter 801 is hereby amended by striking out, in line 4, the words "and finance, and" and inserting in place thereof the words:- finance and.

**SECTION 18.** Section 16 of said chapter 801 is hereby amended by striking out, in line 2, the word "Barnstable" and inserting in place thereof the word:- (A) Barnstable.

Approved November 10, 1987.

---

**Chapter 485. AN ACT ELIMINATING THE LIMITATIONS ON AMOUNTS OF PAID-UP SHARES IN CO-OPERATIVE BANKS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 4 of chapter 167D of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out subsection 2 and inserting in place thereof the following subsection:-

2. Paid-up Shares.- Paid-up shares may be sold in any denomination with interest to be paid at a rate fixed by the board. When serial shares mature they shall be deemed paid-up shares.

---

**ACTS, 1987. - Chaps. 486, 487, 488.**

**SECTION 2.** Paragraph (a) of section 20 of chapter 170 of the General Laws, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- Distributions to paid-up shares, as to each holder thereof, shall be credited or reserved for credit to a savings account, paid-up shares account, or a dividend savings account in such holder's name, or shall be paid to such holder if such holder or the corporation so elects.

Approved November 10, 1987.

---

**Chapter 486. AN ACT RELATIVE TO BRANCH BANKING.**

Be it enacted, etc., as follows:

Section 3 of chapter 167C of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the fifth paragraph.

Approved November 10, 1987.

EMERGENCY LETTER: November 10, 1987 @ 3:41 P.M.

---

**Chapter 487. AN ACT AUTHORIZING THE CITY OF PEABODY TO GRANT A CERTAIN BETTERMENT ABATEMENT.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of chapter eighty of the General Laws or any other general or special law to the contrary, the city of Peabody is hereby authorized to grant to the Community Covenant Church in said city, an abatement of a sewer betterment assessment, imposed in nineteen hundred and seventy-five upon three parcels of land owned by said church.

Approved November 10, 1987.

---

**Chapter 488. AN ACT FURTHER REGULATING VOTER REGISTRATION.**

Be it enacted, etc., as follows:

Chapter 51 of the General Laws is hereby amended by striking out section 28, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 28. They shall hold a continuous session from nine o'clock ante meridian until ten o'clock in the evening on the last day for registration prescribed under section twenty-six, except that in towns having less than three hundred voters said session shall be sufficient if it

---

**ACTS, 1987. - Chaps. 489, 490.**

includes the time from two to four o'clock in the afternoon and from seven to ten o'clock in the evening; provided, however, that they shall hold a continuous session from nine o'clock ante meridian until five o'clock in the afternoon on the Saturday preceding the last day for registration for all elections; provided, further, that if such Saturday is not more than two days before or after a legal holiday, such session shall be held on the second Saturday preceding the last day to register to vote.

Approved November 10, 1987.

---

**Chapter 489. AN ACT RELATIVE TO THE STATUTE OF LIMITATIONS FOR PROSECUTING CERTAIN CRIMES INVOLVING CHILD VICTIMS.**

Be it enacted, etc., as follows:

Chapter 277 of the General Laws is hereby amended by striking out section 63, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 63. An indictment for murder may be found at anytime after the death of the person alleged to have been murdered. An indictment for a crime set forth in sections seventeen, eighteen, nineteen, twenty-one, twenty-two, twenty-two A, twenty-three, twenty-four and twenty-four B of chapter two hundred and sixty-five or section seventeen of chapter two hundred and seventy-two, or for conspiracy to commit such crime, or as accessory thereto, or any one or more of them may be found and filed within ten years of the date of commission of said crime. An indictment for any other crime shall be found and filed within six years after such crime has been committed; but any period during which the defendant is not usually and publicly a resident within the commonwealth shall be excluded in determining the time limited.

Notwithstanding the foregoing provisions, if a victim of a crime set forth in section thirteen B, thirteen F, thirteen H, twenty-two, twenty-two A, twenty-three, twenty-four B, or twenty-six A of chapter two hundred and sixty-five, or section one, two, three, four, four A, four B, five, six, seven, eight, twelve, thirteen, seventeen, twenty-six, twenty-eight, twenty-nine A, twenty-nine B, thirty-three, thirty-four, thirty-five or thirty-five A of chapter two hundred and seventy-two is under the age of sixteen at the time such crime is committed, the period of limitation for prosecution shall not commence until the victim has reached the age of sixteen or the violation is reported to a law enforcement agency, whichever occurs earlier.

Approved November 10, 1987.

---

**Chapter 490. AN ACT IMPROVING THE COLLECTION OF CHILD SUPPORT IN THE COMMONWEALTH.**

---

ACTS, 1987. - Chap. 490.

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.** Chapter 14 of the General Laws is hereby amended by striking out section 1, as appearing in the 1986 Official Edition, and inserting in place thereof the following two sections:-

Section 1. There shall be a department of revenue, in this chapter called the department, consisting of a division of administration, a division of audit, a division of processing, a division of operations and a division of local services, including within the said division of local services a bureau of local assessment, and a bureau of accounts to be headed by a director of accounts; and such other administrative units as may be established in or assigned to said department from time to time by the secretary of administration. Each division shall be headed by a deputy commissioner and the bureau of accounts shall be headed by a director. Each deputy commissioner, each chief of bureau and the director of the bureau of accounts shall be appointed by the commissioner with the approval of said secretary, and may be removed in like manner; each shall be a person of ability and experience, and shall devote his entire time to the duties of his office; provided, however, that the positions as deputy commissioners, chiefs of bureaus and director shall not be subject to the provisions of chapter thirty-one or section nine A of chapter thirty.

The commissioner may designate a competent employee in the bureau of accounts to perform the duties of the director of accounts in case of his absence, death or disability; and notes of counties, towns and districts, when certified by such employee, shall have the same validity as if certified by the director.

There shall be within the department of revenue, but not subject to its control or supervision, the appellate tax board established by section one of chapter fifty-eight A.

Section 1A. There shall be within the department of revenue a division of child support enforcement headed by a deputy commissioner, and such other administrative units as may be established in or assigned to said division from time to time by the commissioner. Said deputy commissioner shall be appointed by the commissioner with the approval of the secretary of administration, and may be removed in like manner, shall be a person of ability and experience and shall devote his entire time to the duties of his office. Said position shall not be subject to the provisions of chapter thirty-one or section nine A of chapter thirty. Said division shall be a separate administrative unit within the department, operating independent of and apart from the operational state and local tax or finance units therein. Said division shall be provided with such resources as may be necessary to implement the provisions of chapter one hundred and nineteen A.

---

**ACTS, 1987. – Chap. 490.**

The commissioner may appoint and remove such additional assistants, technical consultants, contractors and other persons, may engage such other technical, contractual and other assistants as the work of said division may, from time to time, require and may develop and maintain a data processing installation exclusively for the automated collection, disbursement and data systems of said division.

**SECTION 2.** Subsection (b) of section 21 of chapter 62C of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

(13) the disclosure of information to the IV-D agency, as set forth in chapter one hundred and nineteen A, for the purpose of locating or identifying absent parents who are legally obligated to pay support to such agency and evaluating their ability to pay support.

**SECTION 3.** Chapter 62D of the General Laws is hereby amended by striking out section 11, as so appearing, and inserting in place thereof the following section:-

Section 11. The commissioner of the department shall promulgate rules and regulations and establish proper forms necessary to carry out the provisions of this chapter. The commissioner shall, by regulation, set forth the priority of set-offs in the event that there are multiple claims to be applied against any refund.

**SECTION 4.** Chapter 62E 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. The following words as used in this chapter shall, unless the context otherwise requires, have the following meanings:-

"Absent parent", any person who is legally obligated by court order or otherwise to support his spouse or children and who is obligated to pay such support to the IV-D agency.

"Bureau of special investigations", the bureau of special investigations established pursuant to section thirty R of chapter seven.

"Commissioner", the commissioner of revenue.

"Employer", employer as defined in section thirty-four hundred and one (d) of the Internal Revenue Code.

"Employee", employee as defined in section thirty-four hundred and one (c) of the Internal Revenue Code.

"Internal Revenue Code or Code", the Internal Revenue Code of the United States, as amended to and including October four, nineteen hundred and eighty-two and in effect for the applicable period.

"IV-D agency", the agency designated pursuant to Title IV Part D of the Social Security Act to provide comparable services to children and families to establish and enforce child support obligations under the provisions of chapter one hundred and nineteen A.

"Wages", wages as defined in section thirty-four hundred and one (a) of the Internal Revenue Code.

---

**ACTS, 1987. - Chap. 490.**

**SECTION 5.** Section 3 of said chapter 62E, as so appearing, is hereby amended by striking out, in lines 9 and 10, the words "department of public welfare" and inserting in place thereof the following words:- IV-D agency.

**SECTION 6.** Section 4 of said chapter 62E, as so appearing, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

Upon written request of and at a date specified by the commissioner, the IV-D agency shall provide to the commissioner lists of absent parents who owe support to said agency for the purpose of identifying absent parents who have earned income so as to locate such absent parents and evaluate their ability to pay support for their families. Information in such lists shall include the absent parent's name, social security number and other data to assure positive identification.

**SECTION 7.** Section 6 of said chapter 62E, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words "or the department of veterans' services" and inserting in place thereof the following words:- , the department of veterans' services and the IV-D agency.

**SECTION 8.** Said section 6 of said chapter 62E, as so appearing, is hereby further amended by striking out, in line 13 and in lines 15 and 16, the words "department of public welfare" and inserting in place thereof, in each instance, the following words:- IV-D agency.

**SECTION 9.** Said chapter 62E is hereby amended by inserting after section 7, as so appearing, the following section:-

Section 7A. The commissioner may utilize the wage reporting data compiled by the department from the quarterly reports filed by employers in the administration of taxes, as defined in sections one and two of chapter sixty-two C, including proceedings and other activities, to determine or collect said taxes or criminal prosecution under chapters sixty A, sixty-two and sixty-five C, section ten of chapter one hundred and twenty-one A and section twenty-one of chapter one hundred and thirty-eight.

**SECTION 10.** Said chapter 62E is hereby further amended by adding the following two sections:-

Section 11. The commissioner, in cooperation with the IV-D 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 IV-D 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 IV-D 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 12. Notwithstanding the foregoing provisions, nothing herein shall be construed to prevent the release by the commissioner, pursuant to the terms of federally-mandated wage match programs, of wage information data to the United States Social Security Administration or to agencies of other states who administer federally-funded welfare and unemployment compensation programs.

**SECTION 11.** Section 51 of chapter 93 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 23, the word "services," and inserting in place thereof the following:- services; or

(f) intends to use the information for the enforcement of child support orders under chapter one hundred and nineteen A.

**SECTION 12.** The first paragraph of section 52A of said chapter 93, as so appearing, is hereby amended by striking out the last sentence.

**SECTION 13.** Section 1 of chapter 119A of the General Laws, as so appearing, is hereby amended by inserting before the first paragraph the following paragraph:-

It is the public policy of the commonwealth that dependent children shall be maintained, as completely as possible, from the resources of their parents, thereby relieving or avoiding, at least in part, the burden borne by the citizens of the commonwealth. The existing remedies pertaining to the support of dependent children are to be augmented by the additional remedies provided in this chapter so as to establish a comprehensive and effective child support enforcement program through expedited processes for obtaining and enforcing support orders and establishing paternity. This chapter shall be liberally construed to effectuate the policy stated herein.

**SECTION 14.** Section 2 of said chapter 119A, as so appearing, is hereby amended by adding the following paragraph:-

In carrying out said responsibilities, the IV-D agency may expend such funds as may be necessary for public information, including paid advertisements, and outreach programs to advise the public of the services available through such agency to establish or enforce orders of child support.

**SECTION 15.** Said chapter 119A is hereby amended by striking out section 6, as so appearing, and inserting in place thereof the following section:-

(a) 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, or an order from a IV-D agency of competent jurisdiction. 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; initiation of contempt proceedings; use of lien, levy and seizure as provided in subsection (b); use of the services of any person providing collection services to the commissioner of revenue for the collection of state taxes; seeking capias in appropriate situations; attachment of or lien against property, trustee process in accordance with chapter two hundred and forty-six; civil actions 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. The IV-D agency may provide by regulation for the assessment of interest and penalties against delinquent obligations under the provisions of paragraph (1) subsection (b).

(b) Upon determination by the IV-D agency of the amount of an arrearage which has accrued against child support payments owed pursuant to an order or judgment of a court or IV-D agency of competent jurisdiction, the IV-D agency shall, after notice, opportunity for administrative review, and demand, if no suspended wage order applies pursuant to section twelve, have the power to collect the delinquent support so determined together with any interest due thereon, through the use of lien, levy and seizure, as provided in paragraphs (1) to (7), inclusive.

(1) An order or judgment for child support which is unpaid in whole or in part shall be eligible to be assessed as delinquent as of the date on which it was originally due whether weekly, monthly or on any other periodic basis. If the IV-D agency determines that child support is unpaid, it may at any time after such child support payment was due assess the same, by sending written notice to the obligor of its intent to make a determination of delinquent child support by first class mail thirty days in advance of the date on which such determination will be made. The notice shall specify the amounts unpaid, the dates on which such amounts were due and the obligor's right to request an administrative review to dispute the amount claimed by the IV-D agency to be delinquent by filing a written request with the IV-D agency before the expiration of the thirty day notice period.

If the obligor does not request an administrative review, the IV-D agency shall determine the amount of child support which is delinquent by review of its records. The amount so determined shall constitute an assessment and shall accrue interest from the date of such assessment. An obligor assessed pursuant to this section shall have thirty days within which to pay the assessment and interest.

If the obligor requests an administrative review, the IV-D agency shall schedule and conduct the review expeditiously and shall determine the amount of child support which is delinquent. The amount so determined

shall constitute an assessment and shall accrue interest from the date of such assessment. An obligor assessed pursuant to this section shall have thirty days within which to pay the assessment and interest. After review, if the obligor has grounds to modify the amount of child support arrears based on a substantial change of circumstances, he may seek a modification in the court or agency which originally entered the child support order. If such an obligor files a petition or complaint for modification on such grounds within thirty days of the IV-D agency's assessment of child support arrears and so notifies the IV-D agency, the procedures for lien, levy and seizure shall be stayed pending a decision of the court or IV-D agency on the modification request.

(2) If any child support obligor neglects or refuses to pay the sum assessed after demand as provided in subparagraph (1) within thirty days, the amount, including any interest, together with any costs that may accrue in addition thereto, shall be a lien in favor of the commonwealth or the individual to whom the IV-D agency is providing services, as the case may be, upon all property and rights to property, whether real or personal, belonging to such person. The lien shall arise at the time the assessment is made or deemed to be made and shall continue until the liability for the amount assessed or deemed to be assessed is satisfied. Said lien shall in any event terminate not later than six years from the date it was created.

Said lien shall not be valid as against any mortgagee, pledgee, purchaser of judgment creditor until notice thereof has been filed by the IV-D agency (1) with respect to real property or fixtures, in the registry of deeds of the county where such property is situated, and, (2) with respect to personal property, in the office in which a security or financing statement or notice with respect to the property would be filed in order to perfect a mortgage or comparable nonpossessory security interest in tangible personal property belonging to the person named in the relevant notice. The filing of a notice of any such lien or of a waiver or release of any such lien shall be received and registered or recorded without payment of any fee.

Even though notice of a lien as provided in this section has been filed in the manner prescribed, the lien shall not be valid with respect to a security, as hereinafter defined, as against any mortgagee, pledgee or purchaser of such security, for an adequate and full consideration in money or money's worth, if, at the time of such mortgage, pledge or purchase, such mortgagee, pledgee, or purchaser is without notice or knowledge of the existence of such lien. As used in this subparagraph, the term "security" means any bond, debenture, note or certificate or other evidence of indebtedness issued by any corporation, including one issued by a governmental or political subdivision thereof, with interest coupons or in registered form, share of stock, voting trust certificate, or any certificate of interest or participation in certificate of deposit or receipt for, temporary or interim certificate for, warrant or right to subscribe to or purchase, any of the foregoing; any negotiable instrument; or money.

The IV-D agency may provide by regulation, where notice of a lien has

been filed, the extent to which, and the conditions under which, information as to the amount of the outstanding obligation secured by such lien may be disclosed.

The IV-D agency may issue a waiver or release of any lien imposed by this section. Such waiver or release shall be conclusive evidence that the lien upon the property covered by the waiver or release is extinguished.

(3) If any child support obligor, assessed pursuant to subparagraphs (1) and (2), neglects or refuses to pay the sum assessed within ten days after the expiration of the thirty-day period provided therein, the IV-D agency may collect such unpaid child support and such further sum as shall be sufficient to cover the expenses of the levy, by levy upon all property or rights to property as provided in this subsection. If the IV-D agency makes a finding that collection is in jeopardy, notice and demand for immediate payment may be made and, upon failure or refusal to pay such unpaid child support, collection thereof by levy may be made without regard to the ten-day period. The term "levy" as used herein includes the power of distraint and seizure by any means. A levy shall extend only to property possessed and obligations existing at the time thereof. Property specified in subsection (a) of section fifty-five A of chapter sixty-two C, other than paragraph (4), shall be exempt from levy hereunder. In any case in which the IV-D agency may levy upon property or rights to property, it may seize and sell such property or rights to property, whether real or personal, tangible or intangible.

Except as otherwise provided in this subparagraph, any person in possession of, or obligated with respect to, property or rights to property subject to levy upon which a levy has been made shall, upon demand of the IV-D agency, surrender such property or rights, or discharge such obligation, to the IV-D agency, except such part of the property or rights as is, at the time of such demand, subject to an attachment or execution under any judicial process. A levy on an organization with respect to a life insurance or endowment contract issued by such organization shall, without necessity for the surrender of the contract document, constitute a demand by the IV-D agency for payment of the amount described in paragraph (1) and the exercise of the right of the person against whom the tax is assessed to the advance of such amount. Such organization shall pay such amount ninety days after service of notice of levy. Such notice shall include a certification by the IV-D agency that a copy of such notice has been mailed to the person against whom a child support lien is assessed at his last known address. Such levy shall be deemed to be satisfied if such organization pays over to the IV-D agency the amount which the person against whom a child support lien is assessed could have had advanced to him by such organization on the date prescribed herein for the satisfaction of such levy, increased by the amount of any advance, including contractual interest, thereon, made to such person on or after the date such organization had actual notice or knowledge.

Whenever any property or right to property upon which levy has been

made is not sufficient to satisfy the claim of the commonwealth for which levy is made, the IV-D agency may, thereafter, and as often as may be necessary, proceed to levy in like manner upon any other property liable to levy of the person against whom such claim exists, until the amount due from him, together with all expenses, is fully paid.

(4) Any person who fails or refuses to surrender any property or rights to property, subject to levy, upon demand by the IV-D agency, shall be liable in his own person and estate to the commonwealth in a sum equal to the value of the property or rights not so surrendered but not exceeding the amount of child support for the collection of which such levy has been made, together with costs and interests on such sum at the rate of eight per cent per annum from the date of such levy. Any amount, other than costs, recovered under this paragraph shall be credited against the child support liability for the collection of which such levy was made.

In addition, if any person required to surrender property or rights to property fails or refuses to surrender such property or rights to property without reasonable cause, such person shall be liable for a penalty equal to twenty-five per cent of the amount recoverable. No part of such penalty shall be credited against the child support liability for the collection of which such levy was made.

(5) Any person in possession of, or obligated with respect to, property or rights to property subject to levy upon which a levy has been made, who upon demand by the IV-D agency, surrenders such property or rights to property, or discharges such obligation, to the IV-D agency, or who pays a liability under paragraph (4) shall be discharged from any obligation or liability to the delinquent child support obligor with respect to such property or rights to property arising from such surrender or payment. In the case of a levy on an organization with respect to a life insurance or endowment contract, which is satisfied pursuant to this section, such organization shall also be discharged from any obligation or liability to any beneficiary arising from such surrender or payment.

(6) In any case where there has been a refusal or neglect to pay any child support assessed pursuant to paragraph (1), or to discharge any liability in respect thereof, whether or not levy has been made, the IV-D agency, in addition to other modes of relief, may file a civil action in the department of the trial court which originally entered the order for child support to enforce the lien under this section with respect to such unpaid child support or to subject any property, of whatever nature, of the delinquent, or in which he has any right, title or interest, to the payment of such unpaid child support.

(7) At the time of any lien, levy or seizure of any property or rights to property, real or personal, belonging to a delinquent child support obligor, the IV-D agency shall send written notice to the obligor by first-class mail of the action taken which shall specify the amount due, and the steps to be followed to release the property so levied, seized or placed under lien. Such notice shall include the name and address of the court which entered the child support order and shall notify the obligor of his right to petition that court for review of the amount assessed as delinquent by the IV-D agency.

---

**ACTS, 1987. - Chap. 491.**

**SECTION 16.** Section 10 of said chapter 119A, as so appearing, is hereby amended by striking out clause (1) and inserting in place thereof the following clause:-

(1) A child support payments account of amounts to be distributed, without appropriation, to the proper obligees.

**SECTION 17.** Subsection (b) of section 12 of said chapter 119A, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- Such judgment or order shall include the name, address and social security number of the obligor, if known; and the name, address and federal employer identification number of the obligor employer; and such other information as the IV-D agency requires to assist it in collecting support payments.

**SECTION 18.** Subsection (i) of said section 12, as so appearing, is hereby further amended by striking out the last sentence.

**SECTION 19.** Said section 12, as so appearing, is hereby amended by adding the following subsection:-

(j) obligations may also be enforced in accordance with the provisions of section six.

Approved November 16, 1987.

---

**Chapter 491. AN ACT VALIDATING CERTAIN PROCEEDINGS AND HEARINGS HELD BY THE TOWN OF BRAINTREE DURING THE PERIOD JANUARY FIRST, NINETEEN HUNDRED AND EIGHTY-SIX THROUGH MAY THIRTY-FIRST, NINETEEN HUNDRED AND EIGHTY-SEVEN.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of any general or special law or by-law to the contrary, all acts and proceedings of the town of Braintree at its special town meeting held on May fifth, nineteen hundred and eighty-six, and at a special town meeting held on May fourth, nineteen hundred and eighty-seven, 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 in a newspaper of general circulation within the town of Braintree, as required by the by-laws of the town of Braintree.

**SECTION 2.** Notwithstanding the provisions of any general or special law or by-law to the contrary, all actions taken by the town of Braintree under the warrant for the annual town election held on March second, nineteen hundred and eighty-seven, 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 as required by law in a newspaper of general circulation within the town of Braintree.

**SECTION 3.** Notwithstanding the provisions of any general or special law or by-law to the contrary, awards of contracts made by the town of Braintree during the period January first, nineteen hundred and eighty-six through May thirty-first, nineteen hundred and eighty-seven, and all actions taken pursuant thereto, are hereby ratified, validated and confirmed to the same extent as if the invitations to bid upon which said contracts are based were published in a newspaper of general circulation within the town of Braintree pursuant to the General Laws and the by-laws of the town of Braintree; and the actions of the town of Braintree in appropriating the monies for said contracts and, after such appropriations, the actions of the treasurer of the town in paying the contract sums are hereby ratified, validated and confirmed as if such contracts had been awarded pursuant to the publication requirements of the General Laws and the by-laws of the town of Braintree.

**SECTION 4.** Notwithstanding the provisions of any general or special law or by-law to the contrary, all acts and proceedings of the board of selectmen of the town of Braintree during the period January first, nineteen hundred and eighty-six through May thirty-first, nineteen hundred and eighty-seven, which were taken after hearings relating to alcoholic beverage license transfers and changes in licensed premises pursuant to chapter one hundred and thirty-eight of the General Laws are hereby ratified, validated and confirmed to the same extent as if the hearings on such matters had been published as required by section fifteen A of said chapter one hundred and thirty-eight in a newspaper of general circulation within the town of Braintree.

**SECTION 5.** Notwithstanding the provisions of any general or special law or by-law to the contrary, all actions and proceedings of the town of Braintree's board of appeal under the zoning by-law with respect to appeals and variances heard by said board under the town's zoning by-law during the period January first, nineteen hundred and eighty-six through May thirty-first, nineteen hundred and eighty-seven, and all actions taken pursuant thereto, are hereby ratified, validated and confirmed to the same extent as if notice of hearings on said appeals and variances had been published as required by law in a newspaper of general circulation within the town of Braintree.

**SECTION 6.** This act shall take effect upon its passage.

Approved November 17, 1987.

---

**Chapter 492.     AN ACT AUTHORIZING THE CONVEYANCE OF CERTAIN PROPERTY IN THE TOWN OF AMHERST.**

---

**ACTS, 1987. - Chaps. 493, 494.**

Be it enacted, etc., as follows:

**SECTION 1.** The town of Amherst, acting by and through its town meeting, is hereby authorized to convey the building and improvements known as the Carriage House, located at the Larch Hill Conservation Area at 525 South Pleasant street in the town of Amherst, and including no more than two-tenths of an acre of land occupied by said building, to the Hitchcock Center, Inc., provided that said building and land shall automatically revert to said town in the event that the Hitchcock Center, Inc. no longer exists as an environmental education center or ceases to use the building as its headquarters; that the conservation commission shall continue to use the north end of the building as its shop and storage space; that the conservation commission reserves the right to approve of any alterations or additions to the building by said Hitchcock Center, Inc.; that said building continue to be open to the general public and be used for conservation purposes compatible with the public use of the rest of the Larch Hill property; and that at least one member of the conservation commission continues to serve as a voting member of the Hitchcock center board of overseers.

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

Approved November 17, 1987.

---

**Chapter 493. AN ACT AUTHORIZING THE COUNTY OF DUKES COUNTY TO ESTABLISH AND MAINTAIN A DUKES COUNTY DRUG INFORMATION BUREAU.**

Be it enacted, etc., as follows:

**SECTION 1.** The county of Dukes County is hereby authorized to establish and maintain a drug abuse information bureau under the direction of the sheriff of said county. Said bureau shall be suitably provided with the necessary personnel and equipment and shall assist local school administrators, police departments, and other community group or groups in setting up drug education programs within said county.

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

Approved November 17, 1987.

---

**Chapter 494. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY THE STATE POLICE BARRACKS PROPERTY IN THE TOWN OF TOPSFIELD TO THE TOWN OF TOPSFIELD.**

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 to 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 and buildings thereon located in the town of Topsfield, to the town of Topsfield, subject to the requirements of sections two, three and four and to such additional terms and conditions as the deputy commissioner may prescribe, in consultation with the department of public safety. Said parcel is shown on a plan entitled "Land of the Essex Agricultural Society, Topsfield, Mass. Scale 1 in. = 40 ft. August 13, 1934, Thomas A. Appleton, C. E. Salem, Mass.," recorded with the Essex south district registry of deeds in Book 3004, Page 2, and bounded according to said plan and described as follows:

Beginning southeasterly by the Newburyport Turnpike, two hundred fifty (250) feet;

southwesterly by other land of the Essex Agricultural Society, two hundred fifty (250) feet;

northwesterly by other land of said Essex Agricultural Society, one hundred twenty-six and  $82/100$  (126.82) feet;

northerly by Maple Street, by two courses, ninety-seven and  $26/100$  (97.26) feet and one hundred eighty-one and  $63/100$  (181.63) feet.

Containing according to said plan 46,442 square feet.

**SECTION 2.** No deed conveying by or on behalf of the commonwealth, the property described in section one, shall be valid unless such deed provides that said property shall be used for a municipal police station.

**SECTION 3.** In the event that the property described in section one is not used for the purpose described in section two within five years of the effective date of this act, or ceases to be so used at any time, the property shall revert to the commonwealth under such terms and conditions as the deputy commissioner of capital planning and operations may prescribe.

**SECTION 4.** The recipient of said conveyance shall assume the costs of appraisals, surveys and other expenses as deemed necessary by the deputy commissioner of capital planning and operations for the conveyance of this property.

Approved November 17, 1987.

EMERGENCY LETTER: November 19, 1987 @ 9:10 A.M.

---

**Chapter 495. AN ACT TRANSFERRING THE LENOX ACADEMY BUILDING IN THE TOWN OF LENOX FROM THE PARKS AND RECREATION COMMISSION TO THE ACADEMY BUILDING TRUSTEE COMMITTEE.**



---

ACTS, 1987. - Chaps. 496, 497.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the parks and recreation commission of the town of Lenox and said town are hereby authorized to transfer the care, custody and control of the Lenox Academy building to the academy building trustee committee of said town.

Approved November 17, 1987.

---

**Chapter 496. AN ACT FURTHER REGULATING THE ALCOHOLIC BEVERAGE LAWS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 2 of chapter 138 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- No alcoholic beverage which has been damaged by fire or other casualty may be offered for sale in the commonwealth and any such beverage shall be destroyed by the owner on such terms and conditions as the commission shall determine.

**SECTION 2.** Section 15 of said chapter 138, as so appearing, is hereby amended by inserting after the third sentence the following two sentences:- Such applicant shall be at least twenty-one years of age and of good character in the city or town in which he seeks a license hereunder. No license shall be issued to any applicant who has been convicted of a felony.

Approved November 17, 1987.

---

**Chapter 497. AN ACT REGULATING THE RIGHT OF CERTAIN PERSONS TO PARTICIPATE IN RENT SUBSIDY PROGRAMS.**

Be it enacted, etc., as follows:

Section 20 of chapter 268A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "programs", in line 54, the following words:- or (h) to a municipal employee who is the owner of residential rental property and rents such property to a tenant receiving a rental subsidy administered by a local housing authority, unless such employee is employed by such local housing authority in a capacity in which he has responsibility for the administration of such subsidy programs.

Approved November 17, 1987.

**Chapter 498. AN ACT RELATIVE TO THE FILING PROCEDURE AND NOTIFYING PARTIES OF INTEREST REGARDING CERTAIN SPECIAL PERMITS AND VARIANCES.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 9 of chapter 40A of the General Laws is hereby amended by striking out the eighth paragraph, as appearing in the 1986 Official Edition, and inserting in place thereof the following three paragraphs:-

Zoning ordinances or by-laws 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, contents, style and number of copies of plans and specifications and the procedure for a submission and approval of such permits.

Each application for a special permit shall be filed by the petitioner with the city or town clerk and a copy of said application, including the date and time of filing certified by the city or town clerk, shall be filed forthwith by the petitioner with the special permit granting authority. The special permit granting authority shall hold a public hearing, for which notice has been given as provided in section eleven, on any application for a special permit within sixty-five days from the date of filing of such application; provided, however, that a city council having more than five members designated to act upon such application may appoint a committee of such council to hold the public hearing. The decision of the special permit granting authority shall be made within ninety days following the date of such public hearing. The required time limits for a public hearing and said action, may be extended by written agreement between the petitioner and the special permit granting authority. A copy of such agreement shall be filed in the office of the city or town clerk. A special permit 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.

Failure by the special permit granting authority to take final action within said ninety days or extended time, if applicable, shall be deemed to be a grant of the special permit. The petitioner who seeks such approval by reason of the failure of the special permit granting authority to act within such time prescribed, shall notify the city or town clerk, in writing within fourteen days from the expiration of said ninety days or extended time, if applicable, of such approval and that notice has been sent by the petitioner to parties in interest. The petitioner shall send such notice to parties in interest by mail and 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 the city or town

clerk received such written notice from the petitioner that the special permit granting authority failed to act within the time prescribed. After the expiration of twenty days without notice of appeal to the superior court, or, if appeal has been taken, after receipt of certified records of the superior court indicating that such approval has become final, the city or town clerk shall issue a certificate stating the date of approval, the fact that the special permit granting authority failed to take final action and that the approval resulting from such failure has become final, and such certificate shall be forwarded to the petitioner. 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 for its decision and of its official actions, copies of all of which shall be filed within fourteen days in the office of the city or town clerk and shall be deemed a public record, and notice of the 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 the hearing who requested that notice be sent to him and stated the address to which such 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 the city or town clerk.

**SECTION 2.** The fourth paragraph of section 11 of said chapter 40A, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- No variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the city or town clerk that twenty days have elapsed after the decision has been filed in the office of the city or town clerk and no appeal has been filed or that if such appeal has been filed, that it has been dismissed or denied, and if it is a variance or special permit which has been approved by reason of the failure of the permit granting authority or special permit granting authority to act thereon within the time prescribed, a copy of the application for the special permit or petition for the variance accompanied by the certification of the city or town clerk stating the fact that the permit granting authority or special permit granting authority failed to act within the time prescribed and no appeal has been filed and that the grant of the application or petition resulting from such failure to act has become final or that if an appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

**SECTION 3.** Said chapter 40A is hereby further amended by striking out section 15, as so appearing, and inserting in place thereof the following section:-

Section 15. Any appeal under section eight to a permit granting authority shall be taken within thirty days from the date of the order or decision which is being appealed. The petitioner shall file a notice of appeal specifying the grounds thereof, with the city or town clerk, and a copy of said notice, including the date and time of filing certified by the town clerk, shall be filed forthwith by the petitioner with the officer or board whose order or decision is being appealed, and to the permit granting authority, specifying in the notice grounds for such appeal. Such officer or board shall forthwith transmit to the board of appeals or zoning administrator all documents and papers constituting the record of the case in which the appeal is taken.

Any appeal to a board of appeals from the order or decision of a zoning administrator, if any, appointed in accordance with section thirteen shall be taken within thirty days of the date of such order or decision or within thirty days from the date on which the appeal, application or petition in question shall have been deemed denied in accordance with said section thirteen, as the case may be, by having the petitioner file a notice of appeal, specifying the grounds thereof with the city or town clerk and a copy of said notice including the date and time of filing certified by the city or town clerk shall be filed forthwith in the office of the zoning administrator and in the case of an appeal under section eight with the officer whose decision was the subject of the initial appeal to said zoning administrator. The zoning administrator shall forthwith transmit to the board of appeals all documents and papers constituting the record of the case in which the appeal is taken. An application for a special permit or petition for variance over which the board of appeals or the zoning administrator as the case may be, exercise original jurisdiction shall be filed by the petitioner with the city or town clerk, and a copy of said appeal, application or petition, including the date and time of filing, certified by the city or town clerk, shall be transmitted forthwith by the petitioner to the board of appeals or to said zoning administrator.

Meetings of the board shall be held at the call of the chairman or when called in such other manner as the board shall determine in its rules. The board of appeals shall hold a hearing on any appeal, application or petition within sixty-five days from the receipt of notice by the board of such appeal, application or petition. The board shall cause notice of such hearing to be published and sent to parties in interest as provided in section eleven. The chairman, or in his absence the acting chairman, may administer oaths, summon witnesses, and call for the production of papers.

The concurring vote of all members of the board of appeals consisting of three members, and a concurring vote of four members of a board consisting of five members, shall be necessary to reverse any order or decision of any administrative official under this chapter or to effect any variance in the application of any ordinance or by-law.

All hearings of the board of appeals shall be open to the public. The decision of the board shall be made within one hundred days after the date of the filing of an appeal, application or petition, except in regard

to special permits, as provided for in section nine. The required time limits for a public hearing and said action, may be extended by written agreement between the applicant and the board of appeals. A copy of such agreement shall be filed in the office of the city or town clerk. Failure by the board to act within said one hundred days or extended time, if applicable, shall be deemed to be the grant of the appeal, application or petition. The petitioner who seeks such approval by reason of the failure of the board to act within the time prescribed shall notify the city or town clerk, in writing, within fourteen days from the expiration of said one hundred days or extended time, if applicable, of such approval and that notice has been sent by the petitioner to parties in interest. The petitioner shall send such notice to parties in interest, by mail and each notice shall specify that appeals, if any, shall be made pursuant to section seventeen and shall be filed within twenty days after the date the city or town clerk received such written notice from the petitioner that the board failed to act within the time prescribed. After the expiration of twenty days without notice of appeal to the superior court, or, if appeal has been taken, after receipt of certified records of the superior court indicating that such approval has become final, the city or town clerk shall issue a certificate stating the date of approval, the fact that the board failed to take final action and that the approval resulting from such failure has become final, and such certificate shall be forwarded to the petitioner. The board 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 for its decision and of its official actions, copies of all of which shall be filed within fourteen days in the office of the city or town clerk and shall be a public record, and notice of the 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 the hearing who requested that notice be sent to him and stated the address to which such notice was to be sent. Each 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 the city or town clerk.

**SECTION 4.** The first paragraph of section 17 of said chapter 40A, as so appearing, is hereby amended by inserting after the word "authority", in line 2, the following words:- or by the failure of the board of appeals to take final action concerning any appeal, application or petition within the required time or by the failure of any special permit granting authority to take final action concerning any application for a special permit within the required time.

Approved November 17, 1987.

---

**Chapter 499. AN ACT FURTHER REGULATING REAL ESTATE TAX EXEMPTIONS OF ORGANIZATIONS OF VETERANS OF WAR.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 5 of chapter 59 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after clause Fifth A the following clause:-

Fifth B, The real and personal estate belonging to or held in trust for the benefit of incorporated organizations of veterans of any war in which the United States has been engaged, to the extent of seven hundred thousand dollars, if used and occupied by such association, and if the net income from said property is used for charitable purposes; provided, however, that such estate shall not be exempt for any year in which such association or the trustees holding for the benefit of such association wilfully omit to file with the assessors the list and statement required by section twenty-nine. This clause shall take effect upon its acceptance by any city or town. In a city or town which accepts the provisions of this clause, the provisions of clause Fifth and Fifth A shall not be applicable.

**SECTION 2.** Notwithstanding the provisions of section one concerning acceptance by a city or town, in any city or town which accepts the provisions of clause Fifth B of section five of chapter fifty-nine of the General Laws, inserted by section one, prior to January first, nineteen hundred and eighty-eight, the provisions of said clause Fifth B shall apply to property assessments made during the period commencing January first, nineteen hundred and eighty-six and applicable to the tax year ending June thirtieth, nineteen hundred and eighty-seven.

Approved November 17, 1987.

---

**Chapter 500. AN ACT FURTHER REGULATING THE COMMITMENT OF CERTAIN INDIVIDUALS.**

Be it enacted, etc., as follows:

Chapter 123 of the General Laws is hereby amended by striking out section 35, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 35. For the purposes 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.

For the purposes of this section, "substance abuser" shall mean a person who chronically or habitually consumes or ingests controlled substances 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 controlled substances.

Any police officer, physician, spouse, blood relative, guardian or court official may petition in writing any district court for an order of commitment of a person whom he has reason to believe is an alcoholic or substance abuser. 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 are 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 represented 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 or substance abuser and there is a likelihood of serious harm as a result of his alcoholism or substance abuse, 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 or substance abuse. 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 or substance abuse 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 or substance abuse, including the separated facilities at the Massachusetts correctional institutions at Bridgewater and Framingham, from treating persons on a voluntary basis.

Approved November 17, 1987.

**Chapter 501. AN ACT RELATIVE TO TRESPASS ON RAILROAD PROPERTY.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 15 of chapter 90 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Whoever violates any provision of this section shall be punished by a fine of not less than one hundred nor more than two hundred dollars.

**SECTION 2.** Section 93 of chapter 159 of the General Laws, as so appearing, is hereby amended by adding the following two sentences:- Railroad police officers shall have authority to issue citations for violations of section two hundred and eighteen of chapter one hundred and sixty. Said citations shall have the same force and effect as citations issued pursuant to sections two, three, five, seven, nine and ten of chapter ninety.

**SECTION 3.** Chapter 160 of the General Laws is hereby amended by striking out section 218, as so appearing, and inserting in place thereof the following section:-

Section 218. Whoever knowingly, without right is present, stands, or walks, or rides a bicycle, snow vehicle, recreational or other vehicle on the right-of-way, bridge, or other property of, or used or controlled by any railroad corporation, except at a highway or other authorized grade crossing, shall be fined one hundred dollars. Any person violating this section may be arrested without a warrant by any police officer, including railroad police, and proceeded against according to law.

**SECTION 4.** Said chapter 160 is hereby further amended by striking out section 220, as so appearing, and inserting in place thereof the following section:-

Section 220. Whoever, without right rides or attempts to ride upon a locomotive engine, tender, freight car, caboose, other conveyance or passenger train upon a railroad or upon the trains of the Massachusetts Bay Transportation Authority commuter rail other than as a fare paying passenger, or employee, shall be punished by a fine of not more than five hundred dollars or imprisonment for not more than six months. A sheriff, deputy sheriff, constable, police officer, railroad police officer, or officer appointed with the powers of a railroad police officer, upon view of such offense, may, without a warrant, arrest the offender and make complaint against him therefor.

This section shall not apply to railroad employees while in the discharge of their duties.

Approved November 17, 1987.



**Chapter 502. AN ACT RELATIVE TO COMMON TRUST FUNDS.**

Be it enacted, etc., as follows:

Chapter 203A of the General Laws is hereby amended by striking out section 3, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 3. An account of the administration of each common trust fund and a copy of the annual financial report of the fund shall be filed annually in the registry of probate in which the declaration of trust has been filed. A fiduciary may file an application for allowance of any such account, but shall not be required to file such application unless ordered by said probate court on motion of any interested party to such account or on motion of the court. Application for allowance of any such account shall be made in accordance with section twenty-four of chapter two hundred and six. The allowance of any such account shall be conclusive as to all matters shown therein upon all persons then or thereafter interested in the funds invested in said common trust fund.

Approved November 17, 1987.

---

**Chapter 503. AN ACT AUTHORIZING THE TOWN OF EAST LONGMEADOW TO BORROW MONEY FOR THE PURCHASE OF A FIRE LADDER TRUCK.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seven of chapter forty-four of the General Laws, the town of East Longmeadow for the purpose of purchasing a fire engine aerial ladder truck is hereby authorized to borrow a sum not to exceed three hundred and fifty-seven thousand eight hundred and fifty-five dollars which shall be payable within ten years.

Approved November 17, 1987.

---

**Chapter 504. AN ACT RELATIVE TO THE CONTROL OF RENTS AND EVICTIONS IN MOBILE HOMES IN THE CITY OF BOSTON.**

Be it enacted, etc., as follows:

**SECTION 1.** The first paragraph of chapter 797 of the acts of 1969, as most recently amended by section 23 of chapter 843 of the acts of 1971, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- So long as the current public exigency, emergency or distress continues in the city of Boston, said city may by ordinance control the rent for the use or occupancy of housing

---

**ACTS, 1987. - Chaps. 505, 506.**

accommodations in mobile homes and mobile home parks and in structures having three or more dwelling units, excluding motels, hotels or inns, and excluding housing accommodations in structures having three dwellings units, one of which is occupied by the owner thereof as his permanent residence, and may create a board and empower it to establish as the maximum rent for such housing accommodations the rent in effect therefor on December first, nineteen hundred and sixty-eight; provided, however, that said ordinance shall authorize the board, by order, to make such individual adjustments in such maximum rents as may be necessary to remove hardships or to correct other inequities, and may authorize the board by regulation to make such general adjustments in such maximum rents as may be necessary to remove hardships or to correct other inequities.

**SECTION 2.** This act shall take effect as of March first, nineteen hundred and eighty-seven.

Approved November 17, 1987.

---

**Chapter 505.    AN ACT DESIGNATING THE NEW HARBOR ROAD  
BRIDGE IN THE TOWN OF CLINTON AS THE HARBOR  
DISTRICT VETERANS MEMORIAL BRIDGE.**

Be it enacted, etc., as follows:

**SECTION 1.** The Harbor road bridge in the Duck harbor district of the town of Clinton shall be designated and known as the Harbor District Veterans Memorial Bridge in honor of First Lieutenant James Boodry, Staff Sergeant Owen Duffy, and Private Marvin Kittredge who were killed while members of the armed forces of the United States during World War II, and in memory of Corporal Stephen J. Fernino who was killed in action while a member of the armed forces of the United States during the Korean Conflict. Suitable signs bearing such designation shall be attached thereto by the department of public works in compliance with the standards of said department.

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

Approved November 23, 1987.

---

**Chapter 506.    AN ACT AUTHORIZING THE LICENSING AUTHORITY  
OF THE TOWN OF LEE TO ISSUE AN ADDITIONAL  
LICENSE FOR THE SALE OF ALL ALCOHOLIC  
BEVERAGES NOT TO BE DRUNK ON THE PREMISES  
TO RODNEY AND CHRISTINE CLARK.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority of the town of Lee is hereby authorized to issue 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 to Rodney and Christine Clark, d/b/a East Lee Package Store. 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.

Approved November 23, 1987.

---

**Chapter 507. AN ACT AUTHORIZING THE SECRETARY OF STATE TO ACCEPT THE GIFT OF A CERTAIN PRINT AND POEM.**

Be it enacted, etc., as follows:

The secretary of state is hereby authorized to accept, on behalf of the commonwealth, the gift of a certain print, measuring twenty-eight inches by thirty-six inches, showing a yellow orange sun with a poem composed by Sara Ting printed thereon.

Approved November 23, 1987.

---

**Chapter 508. AN ACT AUTHORIZING THE TOWN OF WAKEFIELD TO APPROPRIATE MONEY FOR THE REMOVAL OF SNOW AND ICE ON CERTAIN PRIVATE WAYS.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of sections six C and six D of chapter forty of the General Laws, the town of Wakefield is hereby authorized to appropriate money for the removal of snow and ice on private ways as may be designated by the board of public works of said town, notwithstanding the fact that such ways are not open to the public use.

Approved November 23, 1987.

**Chapter 509. AN ACT RELATIVE TO CHARITABLE CORPORATIONS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 10A of chapter 180 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "forty-nine", in line 3, the following word: - , fifty-five.

**SECTION 2.** Said section 10A of said chapter 180, as so appearing, is hereby further amended by striking out, in line 18, the word "purposes." and inserting in place thereof the following: - purposes;

(e) the provisions of section fifty-five of chapter one hundred and fifty-six B shall not apply to the requirement of a vote of a majority of the board of directors to authorize a petition for dissolution under section eleven A of this chapter.

Approved November 23, 1987.

---

**Chapter 510. AN ACT PROVIDING FOR CIVIL PENALTIES FOR DRAWING, UTTERING OR DELIVERING FRAUDULENT CHECKS, DRAFTS OR ORDERS.**

Be it enacted, etc., as follows:

Chapter 93 of the General Laws is hereby amended by inserting after section 40 the following section:-

Section 40A. Whoever makes, draws, utters or delivers any check, draft or order for the payment of money upon any bank or other depository which refuses to honor the same because the maker has no account with such bank or other depository or because the maker has insufficient funds on deposit therein and who fails to pay the amount of such check, draft or order within thirty days following a written demand therefor by the payee in accordance with this section and delivered to such person by regular mail and also by certified mail return receipt requested shall, in addition to any criminal penalties which may be imposed in accordance with law, be liable to the payee for the face amount of such check, draft or order, and for additional damages, as determined by the court, but in no event shall the amount of such damages be less than one hundred nor more than five hundred dollars.

The written demand for payment required by this section shall be in the following form and shall be printed in at least ten point type in both the English and Spanish languages:

ACTS, 1987. - Chap. 510.

DEMAND FOR PAYMENT OF DISHONORED CHECK

DATE: \_\_\_\_\_

TO: \_\_\_\_\_  
NAME OF MAKER

WARNING: YOU MAY BE SUED 30  
DAYS AFTER THE DATE OF THIS  
NOTICE IF YOU DO NOT MAKE  
PAYMENT

\_\_\_\_\_  
\_\_\_\_\_

LAST KNOWN RESIDENCE ADDRESS OR PLACE OF BUSINESS

YOUR CHECK/DRAFT/ORDER IN THE AMOUNT OF \$ \_\_\_\_\_

DATED \_\_\_\_\_ PAYABLE TO THE ORDER OF \_\_\_\_\_

HAS BEEN DISHONORED BY THE BANK OR OTHER DEPOSITORY  
UPON WHICH IT HAS BEEN DRAWN BECAUSE:

- \_\_\_\_\_ THE MAKER HAD NO ACCOUNT WITH SUCH  
BANK OR DEPOSITORY
- \_\_\_\_\_ THE MAKER HAD INSUFFICIENT FUNDS ON  
DEPOSIT WITH SUCH BANK OR DEPOSITORY

IF YOU DO NOT MAKE PAYMENT WITHIN THIRTY DAYS OF THE  
ABOVE DATE, YOU MAY BE SUED TO RECOVER PAYMENT. IF A  
JUDGMENT IS RENDERED AGAINST YOU IN COURT, IT WILL  
INCLUDE NOT ONLY THE ORIGINAL FACE AMOUNT OF THE  
CHECK/DRAFT/ORDER, BUT ALSO ADDITIONAL LIQUIDATED  
DAMAGES OF NOT LESS THAN ONE HUNDRED DOLLARS (\$100.00)  
NOR MORE THAN FIVE HUNDRED DOLLARS (\$500.00).

PLEASE MAKE PAYMENT IN THE AMOUNT OF \$ \_\_\_\_\_ TO:

\_\_\_\_\_  
NAME OF PAYEE

\_\_\_\_\_  
\_\_\_\_\_

ADDRESS TO WHICH PAYMENT SHOULD BE DELIVERED

Approved November 23, 1987.

**Chapter 511. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF BREWSTER AS THE LAWRENCE B. DOYLE BRIDGE.**

Be it enacted, etc., as follows:

The bridge numbered B-22-2 on Freeman's Way over state highway Route 6 in the town of Brewster shall be designated and known as the Lawrence B. Doyle Bridge. Suitable markers bearing said designation shall be erected by the department of public works in compliance with the standards of said department.

Approved November 23, 1987.

---

**Chapter 512. AN ACT DESIGNATING A CERTAIN BRIDGE OVER INTERSTATE HIGHWAY ROUTE 395 IN THE TOWN OF WEBSTER AS THE PFC EZIO RUGGERI MEMORIAL BRIDGE.**

Be it enacted, etc., as follows:

The bridge, located over interstate highway route 395 and leading to Birch island from Thompson road in the town of Webster, shall be designated and known as the PFC Ezio Ruggeri Memorial bridge in memory of Ezio Ruggeri, a native of Webster who was killed in action in Italy, while a member of the armed forces of the United States during World War II. Suitable signs bearing said designation shall be erected thereat by the department of public works in compliance with the standards of said department.

Approved November 23, 1987.

---

**Chapter 513. AN ACT DESIGNATING THE MASSACHUSETTS FIREFIGHTING ACADEMY IN THE TOWN OF STOW AS THE CAPTAIN T. DUSTIN (DUSTY) ALWARD FIREFIGHTING ACADEMY.**

Be it enacted, etc., as follows:

**SECTION 1.** The Massachusetts Firefighting Academy in the town of Stow shall be designated and known as the Captain T. Dustin (Dusty) Alward Firefighting Academy.

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

Approved November 24, 1987.

**Chapter 514. AN ACT EXTENDING THE TIME THAT HAROLD STURTEVANT MAY CONTINUE HIS EMPLOYMENT AS FIRE CHIEF OF THE TOWN OF GROVELAND.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 1 of chapter 592 of the acts of 1986 is hereby amended by striking out, in line 4, the word "eighty-seven" and inserting in place thereof the word:- eighty-eight.

**SECTION 2.** The provisions of section one shall take effect as of August thirtieth, nineteen hundred and eighty-seven.

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

Approved November 24, 1987.

---

**Chapter 515. AN ACT AUTHORIZING THE CITY OF FITCHBURG TO SUPPLY WATER TO CERTAIN PROPERTY IN THE TOWN OF LUNENBURG.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, the city of Fitchburg is hereby authorized to supply and sell water to the owners of the property, located at 29 Summer street, in the town of Lunenburg, as shown on a deed recorded in the northern district registry of deeds in the county of Worcester, Book 1276, Page 222, which premises are being used by Capitol Enterprises, Inc., to use said water only for the fire sprinkler system on said premises. All costs and expenses incurred for labor and materials relative to the installation of a water main or other water lines shall be paid by Capitol Enterprises, Inc.

**SECTION 2.** The city of Fitchburg may allow Capitol Enterprises, Inc., to contract for the labor and materials necessary to install the water main and water lines, the cost of which shall be paid for by said Capitol Enterprises, Inc., and all work and labor shall be performed in accordance with the specifications approved by the city of Fitchburg under the supervision of the water department of said city. All cost for maintenance and repair of the water main and lines after installation shall be paid by Capitol Enterprises, Inc. or any successor user of said property. In addition, Capitol Enterprises, Inc. shall pay to the city of Fitchburg a yearly stipend of two thousand five hundred dollars, to be renegotiated seven years from the date of signing of contract between said city of Fitchburg and Capitol Enterprises, Inc. by the city council of said city.

**SECTION 3.** In addition to the yearly stipend referred to in section

---

**ACTS, 1987. - Chap. 516.**

two, Capitol Enterprises, Inc. or its successor shall pay for the cost of any water in the sprinkler system used if activated. Said charges for water use shall be based upon a yearly rate set by the city council for the city of Fitchburg.

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

Approved November 24, 1987.

---

**Chapter 516. AN ACT RELATIVE TO THE FUEL BUREAU OF THE DEPARTMENT OF PUBLIC UTILITIES.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 12M of chapter 25 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following two paragraphs:-

For the purpose of providing said bureau with operating funds, the commission is hereby authorized to make assessment in addition to the assessments authorized in sections seventeen and eighteen, proportionally against each electric company under the jurisdictional control of the department based upon the intrastate operating revenues of each said companies derived from wholesale and retail sales of electricity within the commonwealth as shown in the annual report of said companies to the department. Said additional assessment shall be made at a rate as shall be determined and certified annually by the commission as sufficient to produce not more than seven hundred thousand dollars in revenue for the fiscal year for which the assessment is made and shall be collected in the manner so provided in section seventeen A. The commission is also authorized to expend for the operation of the bureau such amounts which are appropriated for that purpose.

The department shall, within ninety days following the end of the fiscal year in which this assessment is made, 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 electric companies pursuant to section ninety-four G of chapter one hundred and sixty-four.

**SECTION 2.** Notwithstanding any general or special law to the contrary, the assessment authorized pursuant to section one may be assessed, collected and expended, at the level established therein; provided, however, that the total amount assessed in fiscal year nineteen hundred and eighty-eight shall not exceed the amount authorized in said section one.

Approved November 24, 1987.

EMERGENCY LETTER: December 16, 1987 @ 4:15 P.M.



**Chapter 517. AN ACT EXTENDING THE SENIORITY RIGHTS OF CERTAIN PART-TIME CIVIL SERVICE EMPLOYEES.**

Be it enacted, etc., as follows:

The fifth paragraph of section 33 of chapter 31 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following two sentences:- Regardless of actual length of service, permanent municipal employees appointed on less than a full-time basis shall, for the purposes of determining seniority, rank below all full-time permanent municipal employees. Permanent state employees appointed on less than a full-time basis shall accrue that portion of the seniority of full-time permanent state employees that their service bears to full-time service.

Approved November 24, 1987.

---

**Chapter 518. AN ACT RELATIVE TO THE DETERMINATION OF CERTAIN TAX PAYMENTS.**

Be it enacted, etc., as follows:

**SECTION 1.** The first paragraph of section 5D of chapter 59 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the third and fourth sentences and inserting in place thereof the following two sentences:- Whenever a city or town in which such land is located shall have made a general revaluation or reassessment of all of its real property for purposes of taxation, the valuation of such land for the purpose of payments authorized by this section shall be determined by the assessors of said city or town as of January first, between January first and June first, in the year succeeding such revaluation or reassessment by dividing the amount of the payment authorized by this section for the year last preceding the revaluation or reassessment by the commercial class tax rate of said city or town for the year of the revaluation or reassessment, so that the payment with respect to such land shall remain substantially the same as that made prior to such revaluation or reassessment. The city, town or district owning such land or the division of watershed management of said commission and the metropolitan water and sewer authority, if aggrieved by the determination of the assessors, may within six months after written notice thereof appeal to the appellate tax board.

**SECTION 2.** The first paragraph of section 5F of said chapter 59, as so appearing, is hereby amended by striking out the fourth and fifth sentences and inserting in place thereof the following three sentences:- Whenever a city or town in which such land is located shall be certified by the commissioner as assessing property at full and fair cash valuation under the provisions of section fifty-six of chapter forty, the valuation

of such land shall be determined by the assessors of the municipality in which such land is located as of January first of the year of such certification subject to the commissioner's determination, under the provisions of section one A of chapter fifty-eight and subsection (c) of section two A of this chapter, that said valuations are at full and fair cash valuation. The valuations so determined shall be used for the purpose of payments authorized by this section in the year succeeding such determination and the following years thereafter. The division of watershed management of the metropolitan district commission or the Massachusetts Water Resources Authority or the holding municipality or district, if aggrieved by the determination of the assessors, may within six months after written notice thereof appeal to the appellate tax board.

**SECTION 3.** Section 5G of said chapter 59, as so appearing, is hereby amended by striking out the fourth, fifth and sixth sentences and inserting in place thereof the following three sentences:– Whenever a city or town in which such land is located shall have made a general revaluation or reassessment of all of its real property for purposes of taxation, the valuation of such land for the purpose of payments authorized by this section shall be determined by the assessors of said city or town as of January first, between January first and June first, in the year succeeding such revaluation or reassessment by dividing the amount of the payment authorized by this section for the year last preceding the revaluation or reassessment by the commercial class tax rate of said city or town for the year of the revaluation or reassessment, so that payment with respect to such land shall remain substantially the same as that made prior to such revaluation or reassessment; provided, however, that notwithstanding any other provision of this section, the valuation of such land, held by and for the division of watershed management, for the purpose of payments in lieu of taxes pursuant to this section, shall be determined by the commissioner of revenue in accordance with the provisions of sections thirteen to seventeen, inclusive, of chapter fifty-eight. In no event shall any city or town receive an amount less than the payment received from the metropolitan district commission in the prior fiscal year. The city, town, district, or authority owning such land, or said division of watershed management, if aggrieved by the determination of the assessors, may within six months after written notice thereof appeal to the appellate tax board.

**SECTION 4.** Section 16 of chapter 121B of the General Laws, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:–

Whenever a city or town in which such real estate is located shall have made a general revaluation or reassessment of its real property for purposes of taxation, the valuation of such real estate shall be determined by the assessors of said city or town as of January first, in the year succeeding such revaluation or reassessment, by dividing the amount of the payment authorized by this section for the year last preceding the revaluation by the residential class tax rate of said city or

town for the year of the revaluation, so that the payment with respect to such land shall remain substantially the same as that made prior to such revaluation or reassessment. The operating agency, if aggrieved by the determination of the assessors, may within six months after written notice thereof appeal to the appellate tax board.

Approved November 24, 1987.

---

**Chapter 519. AN ACT LIMITING CONTRIBUTIONS OF POLITICAL COMMITTEES.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 6 of chapter 55 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:–

A political committee organized or operating on behalf of a candidate for the office of governor, lieutenant governor, attorney general, state secretary, treasurer and receiver general, or auditor may receive, pay and expend money or other things of value for reasonable and necessary expenses directly related to the campaign of such candidate but shall not make any expenditure that is primarily for the candidate's or any other person's personal use; provided, however, that no such committee may contribute to any other political committee or to the campaign fund of any other candidate; and, provided further, that the director shall establish reasonable rules and regulations concerning such expenditures.

**SECTION 2.** Said section 6 of said chapter 55, as so appearing, is hereby further amended by inserting after the second paragraph the following paragraph:–

A political committee not organized on behalf of an individual candidate may contribute to another political committee not organized on behalf of an individual candidate; provided, however, that the aggregate of all such contributions for the benefit of any one such political committee shall not exceed in any one calendar year the sum of one thousand dollars. A political committee not organized on behalf of an individual candidate, other than the political committees of a political party, may contribute to the campaign fund of a candidate; provided, however, that the aggregate of all such contributions for the benefit of any one candidate and the non-elected political committee organized on such candidate's behalf shall not exceed in any one calendar year the sum of one thousand dollars. The political committee of a political party may contribute to the campaign fund of a candidate; provided, however, that the aggregate of all contributions of money for the benefit of any one candidate and the non-elected political committee organized on such candidate's behalf shall not exceed in any one calendar year the sum of three thousand dollars in the case of the

---

**ACTS, 1987. – Chaps. 520, 521.**

state committee and the sum of one thousand dollars in the case of each town or ward committee. For the purposes of the limitations established by this section, all campaign contributions made by political committees established, financed, maintained or controlled by any person, including any parent committee of a subsidiary committee or any person other than a natural person, shall be considered to have been made by a single political committee. Nothing in this section shall be construed to permit contributions to political committees which are otherwise prohibited by this chapter.

**SECTION 3.** Section 7 of said chapter 55 is hereby amended by striking out the fifth sentence, as so appearing.

Approved November 24, 1987.

---

**Chapter 520. AN ACT PLACING THE PAROLE BOARD UNDER THE PROVISIONS OF THE ADMINISTRATIVE PROCEDURES ACT.**

Be it enacted, etc., as follows:

Chapter 30A of the General Laws is hereby amended by inserting after section 1B, as appearing in the 1986 Official Edition, the following section:-

Section 1C. The parole board shall be subject to sections one to eight, inclusive, and shall not otherwise be subject to this chapter, notwithstanding the exclusion of said board from the definition of the word "agency" in section one.

Approved November 24, 1987.

---

**Chapter 521. AN ACT ESTABLISHING A BOARD OF ALLIED MENTAL HEALTH AND HUMAN SERVICES PROFESSIONS; PRESCRIBING THE MEMBERSHIP, DUTIES, AND POWERS OF SAID BOARD; PROVIDING FOR ISSUANCE AND REVOCATION OF LICENSES; FIXING PENALTIES FOR VIOLATION.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 13 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following three sections:-

Section 88. There shall be a board of registration of allied mental health and human services professions, in this section and sections eighty-nine and ninety, which shall consist of nine members, one of whom shall be designated as chairperson, to be appointed in the manner

provided by section eighty-nine. Of the first board members appointed three shall continue in office for one year, three for two years and three, including the chairperson, shall continue in office for three years. Their successors shall be appointed for terms of three years each except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the board member to be succeeded. Upon the expiration of the term of office, a board member shall continue to serve until a successor shall have been appointed and shall have qualified. No person shall be appointed more than once to fill an unexpired term for more than two consecutive terms. The governor shall designate one board member to serve as chairperson during the term of such person's appointment to the board; provided, however, that no person shall serve as chairperson for more than three years.

The governor may remove any member of the board or the chairperson from such position as chairperson only for neglect of duty or malfeasance or conviction of a felony or crime of moral turpitude while in office. No member may be removed without a public hearing with at least thirty days prior written notice of the charges and the date fixed for such hearing. No board member shall participate in any matter before the board in which a pecuniary interest, personal bias or other similar conflict of interest is established.

Board members shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in the performance of official board business.

Section 89. The governor shall appoint members of the board only from among the candidates who meet the following qualifications:

(A) Six members shall be licensed practicing mental health and human service professionals, two of whom shall be marriage and family therapists, two of whom shall be rehabilitation counselors, two of whom shall be mental health counselors; and each shall have been, for at least five years immediately preceding appointment, actively engaged as a practitioner rendering professional services in that field, or in the education and training of graduate students or interns in the field, or in appropriate human developmental research, or in other areas deemed substantially equivalent thereto, and shall have spent the majority of the professional time in such activity during the two years preceding the appointment in the commonwealth. One of the six shall also be a member of a union licensable under sections one hundred and sixty-three to one hundred and seventy-two, inclusive, of chapter one hundred and twelve; and

(B) Three members shall be representatives of the general public who have no direct affiliation with the practice of any allied mental health or human services profession.

The initial appointees, with the exception of representatives of the general public, shall be deemed to be and shall become licensed immediately upon their appointment and qualification as members of the board.

The governor shall immediately appoint the first board member to be

appointed under this section. The governor shall nominate a new member to fill a vacancy on the board within thirty days of the occurrence of such vacancy.

The appointment of any member of the board shall automatically terminate within thirty days after the date such member is no longer a resident of the commonwealth.

Each appointee shall, upon accepting appointment to the board, take and subscribe to the oath or affirmation prescribed by law and file the same in the office of secretary of state.

Section 90. The board shall hold at least two regular meetings each year, but additional meetings may be held upon the call of the chairperson, or the secretary, or upon the written request of any two board members. Six members of the board shall constitute a quorum; provided, however, that at least one of those six members shall be a member who was selected from and who represents the general public. The principal office of the board shall be in the city of Boston but the board may act and exercise all of its powers in such other jurisdictions as it deems necessary.

The board shall administer and enforce the provisions of section one hundred and sixty-three to one hundred and seventy-two, inclusive, of chapter one hundred and twelve. Said board shall promulgate regulations which set forth education requirements necessary for a person to be licensed under the provisions of section one hundred and sixty-five of said chapter one hundred and twelve; and the board may, from time to time, adopt such rules and regulations as it deems necessary to carry out the performance of its duties.

The secretary of consumer affairs and business regulations shall have authority to review and approve rules and regulations proposed by the board. Such regulations will be deemed approved unless disapproved within fifteen days of submission to said secretary; provided, however that any such disapproval shall be in writing setting forth the reasons for such disapproval.

Said board shall examine and pass on the qualifications of all applicants for licenses under sections one hundred and sixty-three to one hundred and seventy-two, inclusive, of chapter one hundred and twelve, and shall issue a license to each successful applicant therefor, attesting to their professional qualifications to be a licensed allied mental health and human services professional. After a person has applied for licensure, no member of the board may supervise such applicant for a fee nor shall any member vote on any applicant previously supervised by such member.

The board shall establish standards committees for each allied mental health and human services profession. Each standards committee shall have three members, two of whom shall be the board members representing their respective professions and one of whom shall be a board member representing the general public. Each standards committee, by a majority vote, shall recommend approval or disapproval of the granting of all licenses for that profession, approve the examination required of applicants for licensure in that profession,

provide for the grading of that examination and provide for other matters relating to the standards for licensure in that profession.

No decision of a standards committee shall become effective until approved by the board. The board may initiate or otherwise act regarding any matter in which a standards committee is authorized to act. No decision of the board regarding the standards of a particular allied mental health and human services profession shall become effective without the approval of a majority of the standards committee for such profession.

Said board shall adopt a seal which shall be affixed to all licenses.

Said board may authorize expenditures deemed necessary to carry out its duties under this chapter from funds appropriated therefor.

Said board shall employ, subject to chapter thirty-one, such attorneys, experts and other employees as it may, from time to time, deem appropriate for the proper performance of its duties and for whom the necessary funds are appropriated.

Said board may recommend to the governor and the general court, after a public hearing which shall be advertised by publication of notices to the appropriate mental health and human service professional organizations and in major media outlets throughout the commonwealth, modifications and amendments to sections eighty-eight, eighty-nine and this section and sections one hundred and sixty-three to one hundred and seventy-two, inclusive, of chapter one hundred and twelve.

Said board shall cause examinations to be held not less than twice annually and shall evaluate examinations to keep them free from cultural bias.

Said board shall annually publish a list of names and addresses of persons who are licensed under sections one hundred and sixty-three to one hundred and seventy-two inclusive, of chapter one hundred and twelve.

Fees for examinations and for initial and renewal applications shall be determined annually by the commissioner of administration under the provisions of section three B of chapter seven.

Said board shall establish regulations for continuing educational requirements for licenses. Said regulations shall not require more than thirty contact hours per year, on average through the term of the license, of approved continuing education programs as a condition for continuing registration, nor more than fifteen contact hours per year on average for any licensed individual during the term of their employment by the commonwealth or any political subdivisions thereof.

Said board shall cause public hearings to be held prior to setting specifications for any continuing educational requirements.

The board shall establish procedures to permit consumers to file written complaints against licensed individuals and investigate and take appropriate action on such complaints.

**SECTION 2.** Chapter 112 of the General Laws, as so appearing, is hereby amended by adding the following ten sections:-

Section 163. As used in sections one hundred and sixty-three to one

hundred and seventy-two, inclusive, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Allied Mental Health and Human Services Professional" a licensed marriage and family therapist, a licensed rehabilitation counselor or a licensed mental health counselor.

"Licensed marriage and family therapist", a person licensed or eligible for licensure under section one hundred and sixty-five.

"Practice of marriage and family therapy", the rendering of professional services to individuals, family groups, couples or organizations, either public or private for compensation, monetary or otherwise. Said professional services shall include applying principles, methods and therapeutic techniques for the purpose of resolving emotional conflicts, modifying perceptions and behavior, enhancing communications and understanding among all family members and the prevention of family and individual crisis. Individual marriage and family therapists may also engage in psychotherapy of a nonmedical nature with appropriate referrals to psychiatric resources and research and teaching in the overall field of human development and interpersonal relationships.

"Licensed rehabilitation counselor", a person licensed or eligible for licensure under section one hundred and sixty-five.

"Practice of rehabilitation counseling", the rendering of professional services for compensation, monetary or otherwise. These professional services would include the application of principles, methods and techniques of the rehabilitation counseling profession such as client assessment, job analysis, vocational assessment, counseling and job development for the purpose of maximizing or restoring the capacities of physically or mentally handicapped individuals for self-sufficiency and independent living including vocational and social functioning and creating those conditions favorable to this goal. The practice of rehabilitation counseling involves the following objectives: assisting individuals in the coordination of appropriate services; counseling with individuals, families or groups; serving an advocacy role with communities or groups toward the provision or implementation of rehabilitation services; research and teaching in the field of rehabilitation counselor education.

"Licensed mental health counselor", a person licensed or eligible for licensure under section one hundred and sixty-five.

"Practice of mental health counseling", the rendering of professional services to individuals, families or groups for compensation, monetary or otherwise. These professional services include: applying the principles, methods and theories of counseling and psychotherapeutic techniques to define goals and develop a treatment plan of action aimed towards the prevention, treatment and resolution of mental and emotional dysfunction and intra or interpersonal disorders in persons diagnosed at intake as nonpsychotic; and engaging in psychotherapy of a nonmedical nature utilizing supervision when appropriate and making referrals to other psychiatric, psychological or medical resources when the person is diagnosed as psychotic.



"Advertise", includes, but is not limited to, distributing or causing to be distributed any card, sign or device to any person; or the causing, permitting or allowing any sign or marking on or in any building or structure, or in any newspaper or magazine or in any directory, or on radio or television, or by the use of any other means designed to secure public attention.

"Use a title or description of", means to hold oneself out to the public as having a particular status by means of statements on signs, mailboxes, address plates, stationery, announcement, calling cards or other instruments of professional identification.

"Board", the Massachusetts board of registration of allied mental health and human services professions.

"Recognized educational institution", any educational institution which grants a bachelor's, master's, or doctor's degree and which is recognized by the board, or by a nationally or regionally recognized educational or professional accrediting organization; provided, however, that such institution is also approved by the United States Department of Education.

"Approved Continuing Education", continuing education such as research and training programs, college and university courses, in-service training programs, seminars and conferences designed to maintain and enhance the skills of allied mental health and human services professionals and which are recognized by the board.

Section 164. Except as otherwise provided in sections one hundred and sixty-three to one hundred and seventy-two, inclusive, commencing March first, nineteen hundred and eighty-nine, no individual who is not licensed or exempted from licensure under said sections shall advertise the performance of or use a title or description of:

- (1) licensed mental health counselor, advisor or consultant;
- (2) licensed marital or marriage and family therapist, advisor or consultant; or
- (3) licensed rehabilitation counselor, specialist, advisor or consultant;

No individual who is not licensed or exempted from licensure shall engage in practice as a licensed mental health professional. This does not prevent individuals not eligible to apply for licensure from advertising and practicing as counselors or therapists, provided that such individuals do not advertise or otherwise hold themselves out to the public to be licensed allied mental health professionals.

The following individuals shall be exempt from the requirements of this section:

- (1) a licensed psychologist, a licensed social worker, a licensed occupational therapist, or a licensed physician or registered nurse.

- (2) an employee or other agent of a recognized academic institution or alcohol or drug education or awareness program, employee assistance program, or of a federal, state, county or local government institution, program agency, or facility, or a school committee, school district, school board or board of regents while performing those duties constituting employment by such an institution, program, agency or facility; provided, however, that such individuals are performing those

activities solely within the agency or under the jurisdiction of such agency; and, provided further, that a license granted under section one hundred and sixty-five need not be a requirement for qualification for civil service examinations nor shall it be a requirement for employment in any state, county or municipal agency.

(3) an employee of an organization which is nonprofit or licensed by the commonwealth, and which is determined by the board to provide adequate supervision while performing those duties constituting employment by such an agency; provided, however, that such individuals are performing those activities solely within the agency or under the jurisdiction of the organization.

(4) a student in the discipline of an allied mental health and human services profession or an intern or trainee in an allied mental health and human services profession receiving qualified supervision approved by the board, and whose training status is designated by such titles as "mental health intern", "family therapy intern", or a person who is issued a temporary permit by the board to engage in the activities for which licensure is required.

Nothing in this section shall be construed to prevent qualified members of other professions including Christian Science practitioners, registered nurses, physicians, attorneys, or members of the clergy from doing the work of an allied mental health and human services professional consistent with the accepted standards of their respective professions; provided, however, that no such person shall use a title stating or implying that they are a licensed allied mental health and human services professional.

Nothing in this section shall be construed to prevent members of peer group or self-help groups from performing peer counseling or self-help activities which may be, wholly or in part, included as a defined professional service in section one hundred and sixty-three; provided, however, that no members of peer group or self-help groups shall use a title stating or implying that they are a licensed allied mental health or human services professional.

Section 165. The board may issue a license to an applicant as a marriage and family therapist, a rehabilitation counselor and a mental health counselor; provided, however, that each such applicant shall provide satisfactory evidence to the board that such applicant: (1) is of good moral character; (2) has not engaged or is not engaging in any practice or conduct which would be grounds for refusing to issue a license under section one hundred and sixty-nine; (3) demonstrates to the board, the successful completion of a master's degree in a relevant field from an educational institution licensed by the state in which it is located and meets national standards for granting of a master's degree with a subspecialization in marriage and family therapy, rehabilitation counseling, counseling, or a relevant subspecialization approved by the board. To be eligible for licensure, an applicant must have two additional years of supervised clinical experience in the relevant field in either a clinic or hospital licensed by the department of mental health or accredited by the Joint Commission on Accreditation of Hospitals or in

an equivalent center or institute approved by the board. For purposes of this clause, "Supervision" shall be defined as no less than four hours per week for full-time employees, or two hours per week for part-time employees, and shall consist of individual supervision with a clinician who has expertise in marriage and family therapy, rehabilitation counseling or counseling and who holds a master's degree in social work, rehabilitation counseling, or counseling, or holds a doctorate in psychology, or a medical degree with a subspecialization in psychiatry and has a minimum of five years of clinical experience in the appropriate field; (4) successfully passes a written or oral examination administered by the board to determine the applicant's qualifications for licensure for each profession licensed pursuant to this section; and (5) individuals licensed under the provisions of this section will not be eligible to renew licenses issued pursuant to the provisions of section three of chapter eight hundred and eighteen of the acts of nineteen hundred and seventy-seven unless such individuals satisfy the requirements of section one hundred and thirty-one of chapter one hundred and twelve of the General Laws, except for successful completion of an examination.

Section 166. The board shall conduct examinations at least twice a year at a time and place designated by the board, in order to determine any applicant's qualifications for the practice of an allied mental health and human services profession.

Examinations may be written or oral as determined by the board. In any written examination each applicant shall be designated so that the name shall not be disclosed to the board until examinations have been graded.

Examinations shall include questions in such theoretical and applied fields as the board deems most suitable to test an applicant's knowledge and competence to engage in the practice of the allied mental health and human services profession in which licensure is sought.

An applicant shall be held to have passed an examination upon affirmative vote of at least five members of the board.

Any individual who fails an examination conducted by the board shall not be admitted to a subsequent examination for a period of at least six months.

The board shall issue a license without examination to the following: (1) an applicant licensed as a professional in a comparable field in another state whose requirements for the license are determined by the board to be equivalent to or exceed the requirements of the commonwealth (2) an applicant who has passed a civil service examination for a position whose title is included in the definition of an allied mental health and human services professional in section one hundred and sixty-three and who has completed six months service in such position with an agency of the commonwealth or its political subdivisions and who meets the requirements of section one hundred and sixty-five; provided, however, that such applicant shall submit an application on forms prescribed by the board and pay the licensure fee therefor.

Section 167. The board, at its discretion, may issue a temporary

permit, effective for up to one year, to an individual whose application for licensure under this chapter is being processed by the board, or to a person awaiting the opportunity to take the first written examination offered by the board after filing such application.

Section 168. A fee, as determined by the commissioner of administration pursuant to section three B of chapter seven shall be paid to the board for the original license. Licenses shall be valid for two years and must be renewed biennially. Any application for renewal of a license which has expired shall require the payment of a re-registration fee.

On or before September thirtieth of the year preceding the expiration of a license, the secretary of the board shall forward to the holder of the license a form of application for renewal thereof. Upon the receipt of the completed form and the renewal fee on or before November thirtieth, the secretary shall issue a new license for the year commencing January first.

Section 169. The board, subject to a majority vote of its members, is authorized to deny, revoke or suspend a license granted pursuant to this chapter on the following grounds:

(1) conviction by a court of competent jurisdiction of a crime which the board determines to be of such a nature as to render such person unfit to practice as a mental health and human services professional. Said board shall maintain and publish a list of such crimes;

(2) violation of ethical standards of such a nature as to render such individual unfit to practice as a mental health and human services professional. Said board shall publish and maintain such ethical standards;

(3) fraud or misrepresentation in obtaining a license; or

(4) other just and sufficient cause which renders a person unfit to practice as a mental health and human services professional.

No license may be suspended or revoked for the reasons set forth in the preceding paragraph without prior notice and opportunity for hearing on such suspension or revocation, except that the board may, in its discretion, without prior notice or hearing, suspend for up to one year the license of any individual convicted of a crime as set forth therein. The burden of proof shall be on the board in any proceeding to suspend or revoke a license. No license may be suspended or revoked under this section except by majority vote of the full board, notwithstanding any other provisions.

Any individual may file a complaint with the board seeking denial, suspension or revocation of a license issued or to be issued by the board. Such complaints shall be in a form prescribed by the board and shall be verified under oath by the complainant or his duly authorized agent. If the board determines that a complaint alleges facts which, if true, would require denial, revocation or suspension of a license, it shall promptly conduct a hearing. Whenever said board establishes that a complaint does not state facts which warrant a hearing, such complaint may be dismissed.

Said board shall not hear complaints against any licensed individuals

for actions which have occurred in the course of employment by any agency of the commonwealth or its political subdivisions unless such complaint is received by the board subsequent to the dismissal of a licensee by such agency for reasons of moral turpitude or gross negligence; provided, however, that said licensee shall have exhausted all administrative appeals of such dismissal.

Any individual may be permitted to intervene and participate in board hearings on suspension or revocation of a license upon a showing of an interest in such proceeding.

Any individual whose license has been suspended or revoked may apply to the board for vacation of the suspension or reinstatement of the license.

Section 170. The board shall conduct its proceedings in accordance with the provisions of this chapter and chapter thirty A. Any individual may be heard by the board in person or by an attorney. Every vote and official act of the board shall be entered on the record. All hearings and rule making proceedings shall be open to the public. A stenographic record shall be made of every hearing before the board.

The board shall have subpoena power to require the attendance and testimony of witnesses and the production of all books, papers and documents relating to any matter under investigation. Subpoenas shall be issued by the board upon application by any party to a proceeding before the board and a showing of general relevance and reasonable scope. Witnesses summoned before the board shall be paid the same fees and mileage paid witnesses in courts of the commonwealth. In case of disobedience of a subpoena, the board may apply to the superior court for an order requiring the person subpoenaed to appear before the board and testify and produce books, papers, or documents called for by such subpoena.

One or more board members or a hearing examiner or other officer appointed by the board shall preside at hearings.

Section 171. Any individual not licensed under sections one hundred and sixty-three to one hundred and seventy-two who on March first, nineteen hundred and eighty-nine holds himself out to be or advertises himself as a licensed marriage and family therapist, rehabilitation therapist or mental health counselor in violation of this chapter shall be punished by a fine not exceeding five hundred dollars for the first offense and five hundred dollars for each subsequent offense; provided, however, that the board may also proceed in the superior court to enjoin and restrain any unlicensed individual violating any section of this chapter. The board shall not be required to post bond at any such proceeding.

Section 172. Any communication between an allied mental health or human services professional and a client shall be deemed to be confidential. Said privilege shall be subject to waiver only in the following circumstances:

(a) where the allied mental health and human services professional is a party defendant to a civil, criminal or disciplinary action arising from such practice in which case the waiver shall be limited to that action;

(b) where the client is a defendant in a criminal proceeding and the use of the privilege would violate the defendant's right to compulsory process and right to present testimony and witnesses in his own behalf;

(c) when the communication reveals the contemplation or commission of a crime or a harmful act; and

(d) where a client agrees to the waiver, or in circumstances where more than one person in a family is receiving therapy, where each such family member agrees to the waiver.

The provisions of this section shall not be construed to prevent third party reimbursor from inspecting and copying, in the ordinary course of determining eligibility for or entitlement to benefits, any and all records relating to diagnosis, treatment or other services provided to any person, including a minor or incompetent, for which coverage, benefit or reimbursement is claimed, so long as the policy or certificate under which the claim is made provides that such access to such records is permitted. The provisions of this section shall not be construed to prevent access to any such records pursuant to any peer review or utilization review procedures applied and implemented in good faith.

**SECTION 3.** The board shall issue a license without examination to any applicant who applies on or before March first, nineteen hundred and eighty-nine if the individual meets qualifications set forth in section one hundred and sixty-five of chapter one hundred and twelve of the General Laws, and meets the education experience qualifications determined by the board.

The board at its own discretion may issue a license without examination to any applicant who applies on or before March first, nineteen hundred and eighty-nine who has been practicing in one of the allied health and human services professions for a reasonable period of time as specified and determined by the board; and who satisfies the board that he meets the professional standards established by the standards committee.

The board may issue a temporary permit effective for up to two years to an individual applying under this section if such individual is required to complete additional courses as required by the board.

Any applicant under the provisions of this section shall be required to pay fees as provided for in paragraph K of section ninety of chapter thirteen of the General Laws.

An individual licensed pursuant to this section shall not be subject to the provisions of section one hundred and seventy-one of chapter one hundred and twelve of the General Laws.

Approved November 24, 1987.

---

**Chapter 522. AN ACT FURTHER DEFINING MENTAL ILLNESS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 7 of chapter 4 of the General Laws, as appearing

---

**ACTS, 1987. - Chap. 522.**

in the 1984 Official Edition, is hereby amended by striking out clause Fifteenth.

**SECTION 2.** Section 96 of chapter 60 of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the word "insane" and inserting in place thereof the following words:- incapacitated by reason of mental illness.

**SECTION 3.** Section 61 of chapter 112 of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Except as otherwise provided by law, each board of registration or examination in the division of registration of the department of civil service and registration, after a hearing, may, by a majority vote of the whole board, suspend, revoke or cancel any certificate, registration, license or authority issued by it, if it appears to said board that the holder of such certificate, registration, license or authority, is incapacitated by reason of mental illness, or is guilty of deceit, malpractice, gross misconduct in the practice of his profession, or of any offense against the laws of the commonwealth relating thereto.

**SECTION 4.** The second paragraph of section 2 of chapter 118 of the General Laws, as so appearing, is hereby amended by striking out, in line 39, the word "insane" and inserting in place thereof the following words:- mentally ill.

**SECTION 5.** Chapter 120 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. Whenever the department finds that any person committed to it is mentally ill, within the meaning of chapter one hundred and twenty-three, developmentally disabled or a sexually dangerous person, within the meaning of chapter one hundred and twenty-three A, or a potential psychotic as defined and determined by the assistant commissioner of the bureau of clinical services, the department may make application to the proper court for a new commitment to the appropriate agency in accordance with law.

**SECTION 6.** Section 39 of chapter 152 of the General Laws, as so appearing, is hereby amended by striking out, in line 10, the words "or is insane".

**SECTION 7.** Chapter 202 of the General Laws is hereby amended by striking out section 12, as so appearing, and inserting in place thereof the following section:-

Section 12. No license to sell real estate shall be granted to the guardian of a spendthrift who resides in the commonwealth, or of a person who is incapacitated by reason of mental illness, unless seven

days notice of the petition therefor has been given to the department of public welfare, or, in the case of a person incapacitated by reason of mental illness, to the department of mental health. Such notice may be served upon any member of said board or department.

**SECTION 8.** Section 12 of chapter 203 of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the word "insane" and inserting in place thereof the following words:- incapacitated by reason of mental illness.

**SECTION 9.** Section 18 of said chapter 203, as so appearing, is hereby amended by striking out, in line 3, the word "insane" and inserting in place thereof the following words:- incapacitated by reason of mental illness.

**SECTION 10.** Section 25 of chapter 207 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out, in line 10, the word "insane" and inserting in place thereof the following words:- incapacitated by reason of mental illness.

**SECTION 11.** Section 15 of chapter 208 of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the word "insane" and inserting in place thereof the following words:- incapacitated by reason of mental illness.

**SECTION 12.** Chapter 209 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. The spouse of a person incapacitated by reason of mental illness desiring to convey said person's real estate absolutely or by mortgage may file a petition in the probate court describing such real estate and praying that homestead therein may be released and stating the facts and reasons why the prayer of the petition should be granted. The court, after notice and a hearing, may by decree, authorize the guardian of the person incapacitated by reason of mental illness to make the release by joining in any deed or deeds, mortgage or mortgages of the whole or a part of said real estate which is or are made within five years after said decree by the spouse of the person incapacitated by reason of mental illness or by a trustee for such spouse.

**SECTION 13.** Said chapter 209 is hereby further amended by striking out section 21, as so appearing, and inserting in place thereof the following section:-

Section 21. If the guardian of a married ward that is incapacitated by reason of mental illness, is authorized under section eighteen to release an estate of homestead and the probate court finds that a portion of the proceeds of the real estate sold, or of an amount loaned on a mortgage thereof, must be reserved for the use of the ward, it shall order that a portion, equal to fifty per cent of the proceeds, to be set aside and paid



over to such guardian to be invested in a homestead and held by the guardian for the benefit of the ward, if the ward survives the ward's spouse, the rent or use thereof to be received and enjoyed during the life of the ward by the ward's spouse, or until otherwise ordered by the court for cause; and the homestead to be said spouse's and to be conveyed to said spouse by said guardian, if said spouse survives the ward.

**SECTION 14.** Said chapter 209 is hereby further amended by striking out section 24, as so appearing, and inserting in place thereof the following section:-

Section 24. Proceedings under sections eighteen and twenty-one, if the spouse of such a person who is incapacitated by reason of mental illness is an inhabitant of the commonwealth, shall be in the county where said spouse resides, otherwise in a county where any of said spouse's real estate is situated, and a certified copy of all final orders or decrees in such proceedings shall be recorded in the registry of deeds in every county or district where such real estate lies.

**SECTION 15.** Section thirty-five of said chapter two hundred and nine is hereby repealed.

**SECTION 16.** Said chapter 209 is hereby further amended by striking out section 36, as appearing in the 1984 Official Edition, and inserting in place thereof the following section:-

Section 36. A probate court may upon complaint of a person, or if said person is incapacitated by reason of mental illness, of said person's guardian or next friend, enter a judgment that said person has been deserted by said person's spouse or is living apart from such spouse for justifiable cause, and said person may thereafter convey said person's real estate in the same manner and with the same effect as if said person were sole, and the surviving spouse shall not be entitled under section fifteen of chapter one hundred and ninety-one to waive the provisions of a will made by said person or to claim such portion of said person's estate as the spouse would take if said person had died intestate, nor shall such spouse be entitled upon said person's death, if said person leaves a will, to dower in said person's estate, as provided in section one of chapter one hundred and eighty-nine. Section seventeen of chapter two hundred and eight shall apply to proceedings upon such complaint, so far as applicable.

**SECTION 17.** Section 40 of chapter 218 of the General Laws, as amended by section 170 of chapter 557 of the acts of 1986, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Except in the municipal court of the city of Boston, the district court of Dukes county and the district court of Nantucket, no justice or special justice who does not serve full-time shall hear and determine any civil cases other than supplementary proceedings, summary process, small claims, and proceedings relating to juveniles and mentally ill persons in

---

**ACTS, 1987. - Chap. 523.**

any district court without the authorization of the administrative justice of the district courts. The administrative justice of the district courts shall give such authorization for specified limited periods of time in specified district courts and only as the public convenience may require, and may give such authorization by general rule applicable to the hearing and determination of interlocutory proceedings, or whenever full-time justices or special justices assigned to hear such civil cases, who serve full-time in accordance with the provisions of section six A, are absent or otherwise unable to sit. No such authorization shall be required for the rehearing of matters of law arising in civil causes by any justice assigned to the appellate division of a district court.

**SECTION 18.** The first paragraph of section 1 of chapter 234 of the General Laws is hereby amended by striking out, in line 15, as appearing in the 1984 Official Edition, the word "insane" and inserting in place thereof the following word:- psychiatric.

**SECTION 19.** Section 7 of chapter 260 of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the word "insane" and inserting in place thereof the following words:- incapacitated by reason of mental illness.

**SECTION 20.** Section 50 of chapter 262 of the General Laws, as so appearing, is hereby amended by striking out, in line 9, the word "insane" and inserting in place thereof the following words:- mentally ill.

**SECTION 21.** Section 123 of chapter 266 of the General Laws, as so appearing, is hereby amended by striking out, in lines 7 and 8, the words "insane, feeble minded or epileptic" and inserting in place thereof the following words:- mentally ill and developmentally disabled.

**SECTION 22.** Section five of chapter two hundred and seventy-two of the General Laws is hereby repealed.

**SECTION 23.** Section 33 of said chapter 272, as so appearing, is hereby amended by striking out, in line 2, the word "insane" and inserting in place thereof the following words:- mentally ill.

Approved November 24, 1987.

---

**Chapter 523. AN ACT RELATIVE TO HARBOR MASTERS.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 102 of the General Laws is hereby amended by striking out section 19, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 19. The mayor of a city, except Boston, or the selectmen of a

---

**ACTS, 1987. – Chaps. 524, 525.**

town where a harbor is situated, unless otherwise specially provided, may, and for all harbors that have been improved by the expenditure of money by the commonwealth shall, appoint a harbor master and assistant harbor masters and fix their compensation, to be paid by their respective cities or towns. Said appointment shall remain in force unless the harbor master is removed for neglect of duty, negligence or conduct unbecoming a harbor master. Assistant harbor masters shall be appointed for terms of three years. Any appointment or re-appointment of assistant harbor masters shall be on the recommendation of the harbor master.

**SECTION 2.** The provisions of this act shall apply to present incumbent harbor masters unless he was granted tenure in accordance with the provisions of section one hundred and twenty-six to one hundred and thirty-two, inclusive, of chapter forty-one.

**SECTION 3.** This act shall take effect upon its acceptance in a city, by vote of the city council, subject to the provisions of the charter of such city, in a town, by vote of the town meeting, in a municipality having a town council form of government, by a vote of the town council, subject to the provisions of the charter of such municipality.

Approved November 24, 1987.

---

**Chapter 524. AN ACT AUTHORIZING THE TOWN OF AUBURN TO PAY A CERTAIN UNPAID BILL TO OXFORD ASPHALT INC.**

Be it enacted, etc., as follows:

The town of Auburn is hereby authorized to appropriate money for the payment of, and after such appropriation, the treasurer of said town is authorized to pay to OXFORD ASPHALT INC., the sum of four thousand six hundred and seventy-two dollars and twenty cents for the paving of an asphalt sidewalk on Summer street in said town during the fiscal year nineteen hundred and eighty-six, notwithstanding the failure of said town to comply with the appropriate provisions of law relative to competitive bidding in the awarding of the contract.

Approved November 24, 1987.

---

**Chapter 525. AN ACT REORGANIZING THE EXECUTIVE OFFICE OF ECONOMIC AFFAIRS AND THE DEPARTMENT OF COMMERCE AND DEVELOPMENT.**

Be it approved by the the Senate and House of Representatives in General Court assembled, pursuant to Article LXXXVII of the

Amendments to the Constitution, and by the authority of same, as follows:

**SECTION 1.** Chapter 6A of the General Laws is hereby amended by striking section 8, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 8. There shall be within the executive office of communities and development the following state agencies: the department of community affairs and all other state agencies within said department; the mobile homes commission; and the American and Canadian French cultural Exchange commission.

Nothing in this section shall be construed as conferring any powers or imposing any duties upon the secretary with respect to the foregoing agencies except as expressly provided by law.

**SECTION 1A.** Section 17 of said chapter 6A, as so appearing, 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 economic affairs:- the Massachusetts office of business development and all other entities within said office; the office of travel and tourism; the office of film and video development; the office of science and technology; the office of international trade and investment; the office of minority and women business development and employment and all entities within said office; the division of employment security, the state advisory council and board of review, but excluding the division of standards, welfare and retirement trust funds board; the investment board established by section fifty-seven of chapter one hundred and fifty-one A; and the Commission on employment of the handicapped.

**SECTION 2.** Section 17A of said chapter 6A is hereby repealed.

**SECTION 3.** Section 1 of chapter 23A of the General Laws is hereby amended by striking out section 1, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 1. There shall be within the executive office of economic affairs a department called the Massachusetts office of business development, hereinafter referred to as MOBD, under the supervision and control of an executive director of business development, hereinafter the MOBD executive director. The powers and duties given to the MOBD executive director in this chapter and in any other general or special law shall be exercised and discharged subject to the direction, control and supervision of the secretary of economic affairs.

The MOBD executive director shall be appointed by the secretary of economic affairs, with the approval of the governor, and may, with like approval, be removed. The position of MOBD executive director shall be classified in accordance with section forty-five of chapter thirty and the MOBD executive director shall devote his full time during business hours

to the duties of MOBD and shall give to the state treasurer a bond for the faithful performance of his duties.

The MOBD executive director shall be the executive and administrative head of MOBD and shall be responsible for administering and enforcing the provisions of law relative to MOBD and to each administrative unit thereof. Powers and duties given to any administrative unit of MOBD by any general or special law shall be exercised and discharged subject to the direction, control and supervision of the MOBD executive director.

The MOBD executive director may, subject to approval by the secretary of economic affairs, adopt, amend, alter or repeal and shall enforce, all such reasonable rules, regulations and orders as may be necessary or suitable for the administration and performance of the duties of MOBD as set out in sections one through thirteen, inclusive, of chapter twenty-three A and any other special or general law.

**SECTION 4.** Said chapter 23A is hereby further amended by striking out section 2, as so appearing, and inserting in place thereof the following section:-

Section 2. MOBD shall serve as the principal agency of the government of the commonwealth for the following purposes:

(a) Promoting, developing and expanding all sectors of the economy by capitalizing on and fostering the technological, industrial, manufacturing, educational, cultural and geographic advantages of the commonwealth in the world economy.

(b) Providing a full and effective range of business services to Massachusetts' businesses, including assuring the availability of the capital and human resources required for growth and development in the commonwealth.

(c) Preparing functional plans for the economic development of all areas within the commonwealth to assure the full utilization of the skills and potentials of all its citizens and public and private agencies affecting such plans.

(d) Promoting the development and commercial use of new technologies important to the commonwealth's economic future.

(e) Assisting manufacturing industries in the state to improve their long-term competitiveness through continuous technological, managerial and workforce upgrading.

(f) Attracting new and expanding manufacturing industries to Massachusetts, especially to those regions of the commonwealth with an eroding traditional manufacturing base.

**SECTION 5.** Said chapter 23A is hereby further amended by striking out section 3, as so appearing, and inserting in place thereof the following section:-

Section 3. MOBD shall contain the following three divisions: business services, entrepreneurial and small business development, and manufacturing development. Each division shall be under the charge of a director subject to the direction, control and supervision of the MOBD

executive director. Each director shall be a person of skill and experience in the field of his appointment and shall be appointed and may be removed by the executive director, with the approval of the secretary, and shall serve until so removed. The position of director shall not be subject to the provisions of chapter thirty-one or section nine A of chapter thirty. Each director shall devote his full time during business hours to the duties of his office. The MOBD executive director may authorize any director to exercise in his name any power, or to discharge in his name any duty, assigned to him by law, and he may at any time revoke such authority.

**SECTION 6.** Said chapter 23A is hereby further amended by striking out section 4, as so appearing, and inserting in place thereof the following section:–

Section 4. The executive office of economic affairs shall have an office in western Massachusetts under the direct supervision of the secretary. Subject to appropriation, the secretary of economic affairs shall hire such employees as he may from time to time deem necessary for the proper performance of the functions of the office.

**SECTION 7.** Section 4A of said chapter 23A is hereby repealed.

**SECTION 8.** Said chapter 23A is hereby further amended by striking out section 5, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:–

Section 5. The executive director shall establish in MOBD a planning and research capability. The executive director shall prepare and keep current a general statement of the organization of MOBD, of the assignment of functions to its various administrative units, officers and employees, and of the established places at which and the methods whereby the public may receive information or make requests. Such statement shall be known as MOBD's description of organization. A current copy of the description of organization shall be on file in the office of the state secretary, in the executive office of economic affairs and in the executive office for administration and finance.

**SECTION 9.** Said 23A is hereby further amended by striking out section 6, as so appearing, and inserting in place thereof the following section:–

Section 6. To assist MOBD in the discharge of its duties the executive director may appoint, without regard to chapter thirty-one but with the approval of the secretary, advisory committees on regional planning and commercial and industrial development from among interested citizens of the commonwealth.

Members of such committees shall receive no compensation for their services, but may be reimbursed for their expenses. Such committees shall receive assistance from appropriate divisions of MOBD as designated by the executive director. Each committee shall annually, on or before the first of November, make a report to the executive

director of MOBD and the secretary of economic affairs, and may make such special reports as it or the executive director may deem desirable.

**SECTION 10.** Said chapter 23A is hereby further amended by striking out section 7, as so appearing, and inserting in place thereof the following section:-

Section 7. The MOBD executive director shall prepare and submit to the governor and the general court an annual report which shall contain the description of organization of MOBD, and such other matters as he deems appropriate. He shall also include in such annual report such information as may be required by the commissioner of administration. He shall from time to time submit such other reports as the commissioner of administration may require.

**SECTION 11.** Said chapter 23A is hereby further amended by striking out section 8, as so appearing, and inserting in place thereof the following section:-

Section 8. MOBD may accept gifts or grants of money or property from any source, which shall be held in trust for the use of MOBD by the secretary of economic affairs as custodian.

**SECTION 12.** Said chapter 23A is hereby further amended by striking out section 9, as so appearing, and inserting in place thereof the following section:-

Section 9. In addition to directors, the executive director of MOBD may, subject to appropriation and with the approval of the secretary of economic affairs, appoint and may, with like approval, remove all such employees as may be necessary to carry out the work of MOBD. Unless otherwise provided by law, all such appointments and removals shall be made in accordance with chapter thirty-one. From time to time the executive director may, subject to appropriation and the laws and regulations pertaining to the employment of consultants, employ such consultants as he may deem necessary.

**SECTION 13.** Said chapter 23A is hereby further amended by striking out section 13, as so appearing, and inserting in place thereof the following six sections:-

Section 13. MOBD may employ such personnel as may be necessary to carry out its duties under the provisions of chapter forty D.

All departments, divisions, boards, bureaus, commissions or other agencies of the state government shall provide such assistance and information as MOBD may request in order to carry out said duties.

Section 13A. There shall be within the executive office of economic affairs a department called the office of travel and tourism, hereinafter tourism, which shall be under the supervision and control of an executive director. The powers and duties given to the executive director of tourism in this chapter and in any other general or special law shall be exercised and discharged subject to the direction, control and supervision of the secretary of economic affairs.

The tourism executive director shall be appointed by the secretary of economic affairs, with the approval of the governor, and may, with like approval be removed. The position of tourism executive director shall be classified in accordance with section forty-five of chapter thirty and the tourism executive director shall devote his full time during business hours to the duties of the office of travel and tourism and shall give to the state treasurer a bond for the faithful performance of his duties.

The executive director of tourism shall be the executive and administrative head of tourism and shall be responsible for administering and enforcing the provisions of law relative to tourism and to any administrative unit thereof. Powers and duties given to any administrative unit of tourism by any general or special law shall be exercised subject to the direction, control and supervision of the executive director of tourism.

The tourism executive director may, subject to approval by the secretary of economic affairs, adopt, amend, alter or repeal and shall enforce, all such reasonable rules, regulations and orders as may be necessary or suitable for the administration and performance of the duties of tourism as set out in sections eleven through fourteen, inclusive, of chapter twenty-three A and any other special or general law.

Section 13B. The office of travel and tourism shall serve as the principal agency for promoting the recreational, cultural, historic and scenic resources of the commonwealth to increase its desirability as a location for tourism, convention, travel and recreation-related activities by providing informational, marketing and technical assistance to public and private nonprofit entities organized for similar purposes.

Section 13C. The executive director of tourism may, subject to appropriation and with the approval of the secretary of economic affairs, appoint and may, with like approval, remove all such employees as may be necessary to carry out the work of tourism. Unless otherwise provided by law, all such appointments and removals shall be made in accordance with chapter thirty-one. From time to time the executive director may, subject to appropriation and the laws and regulations pertaining to the employment of consultants, employ such consultants as he may deem necessary.

To assist the office of travel and tourism in the discharge of its duties, the executive director shall appoint, without regard to chapter thirty-one but with the approval of the secretary of economic affairs, an advisory committee on vacation travel which shall consist of at least seventeen members including the chief executive officers of the fourteen regional associations known as the Berkshire Hills Conference, Inc., Bristol County Development Council, Inc., Cape Cod Chamber of Commerce, Franklin County Chamber of Commerce, the Greater Boston Convention and Visitors Bureau, Inc., Martha's Vineyard Chamber of Commerce, Mohawk Trail Association, Nantucket Island Chamber of Commerce, Inc., North of Boston Tourist Council, Pioneer Valley Convention and Visitors Bureau, Plymouth County Development Council, Inc., Worcester County Convention and Visitors Bureau, and Northern



Middlesex Chamber of Commerce.

Members of this committee shall receive no compensation for their services, but may be reimbursed for their expenses. This committee shall annually, on or before the first of November, make a report to the executive director and the secretary of economic affairs, and may make such special reports as it or the executive director of tourism may deem desirable.

Section 13D. Tourism may accept gifts or grants of money or property from any source, which shall be held in trust for the use of tourism by the secretary of economic affairs as custodian.

Section 13E. The executive director of tourism shall prepare and submit to the governor, the general court, the state secretary and the secretary of economic affairs an annual report consistent with the requirements of section thirty-two of chapter thirty of the General Laws.

**SECTION 14.** Said chapter 23A is hereby further amended by striking out section 14, as so appearing, and inserting in place thereof the following section:-

Section 14. The office of travel and tourism is hereby directed, subject to appropriation, to establish a program for financial assistance to those public or nonprofit agencies which promote or provide services for tourism, conventions, travel and recreation in the commonwealth.

Funds shall be granted to agencies listed in section six of chapter six hundred and thirty-six of the acts of nineteen hundred and sixty-four with the addition of the Bristol County Development Council, Inc., Franklin County Chamber of Commerce, the Greater Boston Convention and Visitors Bureau, Inc., North of Boston Tourist Council, Pioneer Valley Convention and Visitors Bureau, Plymouth County Development Council, Inc., Worcester County Convention and Visitors Bureau, and Northern Middlesex Chamber of Commerce and to any other public or nonprofit agency which has been in operation for two consecutive years prior to application for funds under this section and which spends fifteen thousand dollars in its fiscal year on tourism or a public or nonprofit agency which has a total budget larger than the average of Massachusetts tourist promotion agencies as estimated by the secretary of the executive office of economic affairs and which spends twenty-five per cent of said budget on tourism.

Funds shall be used to strengthen efforts of tourist, convention, travel and recreation agencies to attract and service visitors to the commonwealth and to better manage and distribute the influx of said visitors. The amount of funds received by any one agency shall be based on, but not limited to, the following criteria:

- (1) geographical size and population served by such agency;
- (2) amount of matching funds from nongovernmental sources;
- (3) assurance that the funded proposal will be in addition to the work currently being done by the agency and that the agency will maintain a continued effort of the funded program;
- (4) demonstrated effectiveness of agency;
- (5) integration of agency's tourism promotion plans with other private and public agency plans.

No funds may be spent for travel, entertainment, salaries or purchase of equipment under this section.

Tourism is hereby authorized to make grants to agencies to assist such agencies in planning and carrying out their promotional programs and projects; provided, that before any such grant may be made:

(1) the agency shall have made application to tourism for such grant, and shall have set forth the program proposed to be undertaken for the purpose of encouraging and stimulating tourist, convention, visitor and vacation business. The application shall further state, with evidence satisfactory to tourism, the amount of nongovernmental funds held by or committed or subscribed to the agency for application to the purposes herein described and the amount of the grant for which application is made;

(2) tourism, after review of the application, is satisfied that the program of the agency appears to be in accord with the purposes of this section, and shall authorize the making of a grant to such agency;

(3) the maximum received by a private nonprofit agency shall be no greater than the amount received by that agency from nongovernmental sources.

Any agency receiving funds under this section shall make a report on the use of said funds at such time and in such form as the executive director of tourism shall specify. The executive director, subject to approval by the secretary of economic affairs shall establish guidelines in which to regulate the dispersal of funds under this section.

**SECTION 15.** Said chapter 23A is hereby further amended by striking out section 15, as so appearing, and inserting in place thereof the following section:–

Section 15. As used in sections sixteen to twenty-three, inclusive, the following words shall, unless the context requires otherwise, have the following meanings:

"Director", the director of the division of entrepreneurial and small business development.

"Division", the division of entrepreneurial and small business development.

"Executive director", the executive director of the Massachusetts office of business development.

"Small business", a business concern which is independently owned and operated, not dominant in its field of operation and except where based on unique aspects of Massachusetts industry, would be defined as a "small business" under applicable federal law.

**SECTION 16.** Said chapter 23A is hereby further amended by striking out section 16, as so appearing, and inserting in place thereof the following section:–

Section 16. The division shall provide (1) expertise in product development and marketing, (2) expertise in market trends and analysis, (3) expertise in production and production management, (4) assistance to police departments in applying for grants in aid to said departments for

the protection of small businesses in high crime areas, and (5) information on federal programs to assist small business. The division shall not be limited to those areas of expertise set forth herein.

**SECTION 17.** Said chapter 23A is hereby further amended by striking out section 17, as so appearing, and inserting in place thereof the following section:-

Section 17. The division shall develop and utilize the services, resources and expertise of existing educational, business, industrial and financial institutions and their personnel provided on a voluntary basis, and shall work in full cooperation with said institutions and personnel to fully implement the policies and programs of the division.

There shall be in MOBD a director of entrepreneurial and small business development knowledgeable in business investment and financing who shall develop and maintain continual liaison and contact with major financial institutions in the commonwealth and who shall be knowledgeable in federal programs to assist small business and have the mandate to develop and maintain the cooperation of federal agencies. Such financial institutions shall include, but not be limited to, banks, savings institutions, brokerage firms, insurance companies, mutual funds and investment corporations. The director shall secure and maintain the cooperation, expertise and assistance of such financial institutions in implementing the intent of this chapter.

**SECTION 18.** Said chapter 23A is hereby further amended by striking out section 18, as so appearing, and inserting in place thereof the following section:-

Section 18. The director shall establish a continuing list of small business within the commonwealth and place the names of such firms on a central public listing. All businesses so classified by the director shall be notified of the services of the division and shall be kept informed of the resources and assistance available to them under the provisions of sections fourteen to twenty-three, inclusive.

**SECTION 19.** Said chapter 23A is hereby further amended by striking out section 19, as so appearing, and inserting in place thereof the following section:-

Section 19. The director shall establish an information exchange which shall contain, but not be limited to, current and new technical information and data concerning business investment trends and marketing trends within the commonwealth, management techniques, administrative methods, production techniques, product development, any other business news helpful to small businesses and any federal, state or local governmental action, policies or regulations which have an effect on the small businesses and their operations. For the purposes of the information exchange, the director shall have access to relevant information collected by other state agencies.

**SECTION 20.** Said chapter 23A is hereby further amended by striking

out section 20, as so appearing, and inserting in place thereof the following section:-

Section 20. The director shall make available individual consultation and technical assistance to any small business which requests this service. Such consultation and assistance may relate to, but shall not be limited to, the areas including procurement of investment capital, management, administration, production, product marketing, and business expansion, renovation and diversification. Wherever possible, such assistance shall be obtained from the staff of the division or from the voluntary cooperation of the staff of other institutions or businesses.

The director may procure the temporary or intermittent services of organizations, experts or consultants who shall not be subject to provisions of chapter thirty-one, subject to the approval of the secretary of economic affairs. Any person who, upon the request of the director, provides voluntary assistance to the division shall be allowed travel and reasonable and necessary expenses subject to the approval of the secretary of administration and finance.

**SECTION 21.** Said chapter 23A is hereby further amended by striking out section 21, as so appearing, and inserting in place thereof the following section:-

Section 21. The director shall establish and maintain a liaison with agencies and departments of the federal government and of the governments of other states and municipalities and with any other public or private agency or organization, the purposes and programs of which are relevant to those of the division. The purposes of such a liaison shall be to allow for a coordination of effort, to avoid duplication of services and to solicit and obtain any available cooperation and any funds or grants available to assist the division in implementing its purposes and programs.

**SECTION 22.** Said chapter 23A is hereby further amended by striking out section 22, as so appearing, and inserting in place thereof the following section:-

Section 22. The director shall act as an advocate and as an overseer to assure that small businesses are given fair and nondiscriminatory consideration in the letting of bids and granting of contracts or subcontracts under which state monies are to be used in whole or in part, and to assure that small businesses are given fair and equal access to all relevant and needed information relating to the bidding on any contract granted by the state. To aid in the accomplishment of these purposes, the director shall seek and develop the cooperation of other state agencies.

**SECTION 23.** Said chapter 23A is hereby further amended by striking out section 23, as so appearing, and inserting in place thereof the following two sections:-

Section 23. The director shall on the second Monday of January each year submit to the governor, to the clerk of the house of representatives

and to the clerk of the senate a report of the division's activities and, to the extent practicable, an evaluation of the firms served by the division and the effects of such assistance on both the specific businesses and on the general condition of small businesses within the commonwealth.

Section 23A. There shall be within the executive office of economic affairs a department called the office of international trade and investment, hereinafter referred to as OITI, which shall be under the supervision and control of an executive director. The powers and duties given to the executive director of OITI in this chapter and in any other general or special law shall be exercised and discharged subject to the direction, control and supervision of the secretary of economic affairs.

The OITI executive director shall be appointed by the secretary of economic affairs, with the approval of the governor, and may, with like approval be removed. The OITI executive director shall devote his full time during business hours to the duties of the office of international trade and investment. The executive director of OITI shall be the executive and administrative head of OITI and shall be responsible for administering and enforcing the provisions of law relative to OITI and to any administrative unit thereof.

**SECTION 24.** Said chapter 23A is hereby further amended by striking out section 24, as so appearing, and inserting in place thereof the following section:-

Section 24. There shall be in OITI one or more foreign offices for international trade, in this section and in sections twenty-five to twenty-eight, inclusive, referred to as the foreign offices. The foreign offices may be located in any far eastern or European country determined to be best suited as the location for the furthering of foreign trade opportunities for the businesses of the commonwealth. Said foreign offices shall serve the purpose of encouraging and furthering trade between foreign businesses and businesses in the commonwealth. Said offices shall also promote investment opportunities in the commonwealth for foreign businesses in order to encourage the location and establishment of such businesses within the commonwealth. For said purposes of furthering foreign trade and investment, said foreign offices, subject to appropriation and approval by the executive director of OITI, may contract for such advertising and other communication services as may be necessary to further the purposes of this section. The foreign offices shall maintain an updated list of businesses in the commonwealth and foreign businesses which are or might become active in the import or export of their products and services. The foreign office may also provide additional information and assistance to businesses in the commonwealth desirous of exporting their goods and services.

The foreign offices shall maintain and give suitable publicity to an updated list of available sites for the location of foreign based businesses in the commonwealth. The foreign offices may make available technical assistance to foreign businesses interested in the establishment of plants or facilities in the commonwealth.

The foreign offices shall, on a regular basis, make all foreign trade information available to the executive director of OITI, who shall publish and furnish such information to businesses and corporations in the commonwealth which might be interested in, or benefit from the utilization of such information. The executive director of OITI may charge a fee not to exceed the actual printing costs for such information.

**SECTION 25.** Said chapter 23A is hereby further amended by striking out section 25, as so appearing, and inserting in place thereof the following section:-

Section 25. There shall be a director of each foreign office appointed by the executive director of OITI, with the approval of the secretary of economic affairs, who shall be a person with at least two years' experience in international trade, having had administrative or business experience in the country where the office is located, who shall be fluent in at least two languages and who may be a foreign national. The director shall not be subject to the provisions of chapter thirty-one or section nine A of chapter thirty.

**SECTION 26.** Said chapter 23A is hereby further amended by striking out section 26, as so appearing, and inserting in place thereof the following section:-

Section 26. The executive director of OITI is authorized, with the approval of the secretary of economic affairs and subject to appropriation, to enter into leases for such office space as may be necessary and to purchase or lease such equipment as may be needed for the operation of any such foreign offices.

**SECTION 27.** Said chapter 23A is hereby further amended by striking out section 27, as so appearing, and inserting in place thereof the following section:-

Section 27. The executive director may accept in the name of OITI and the foreign offices funds from private and public groups, agencies and persons, which shall be held in trust for their use by the secretary of economic affairs as custodian.

**SECTION 28.** Said chapter 23A is hereby further amended by striking out section 28, as so appearing, and inserting in place thereof the following section:-

Section 28. The executive director of OITI and the director of any foreign office shall annually file a financial report with the clerks of the house and senate and the joint legislative committee on commerce and labor on the operation and activities of the office. The report shall include a complete evaluation of the results of the activities of the foreign offices and its effects on the business economy of the commonwealth, especially in the areas of the export of goods and services and in the location of foreign businesses in the commonwealth.

**SECTION 29.** Clause (b) of section 31 of said chapter 23A is hereby

amended by striking out the first sentence, as amended by section 3 of chapter 342 of the acts of 1987, and inserting in place thereof the following sentence:-

The agency shall be governed and its corporate powers exercised by a board of directors, which shall consist of nine directors: the secretary of economic affairs, the secretary of administration and finance and the executive director of the Massachusetts office of business development, provided that any of the foregoing persons may designate another person from time to time to act in his place for a particular purpose, including the right to attend and vote at a specific meeting of the board, and six other members appointed by the governor, one of whom shall be experienced in real estate development, one shall be experienced in industrial mortgage credit or in commercial credit, one shall be experienced in banking or investment banking, one shall be experienced in business management and one of whom shall be a representative of organized labor.

**SECTION 30.** Said chapter 23A is hereby further amended by inserting after section 39 the following four sections:-

Section 39A. There shall be within the executive office of economic affairs a department called the office of minority and women business development and employment, hereinafter OMWBDE, which shall be under the supervision and control of an executive director, hereinafter referred to as the OMWBDE executive director. The powers and duties given to the OMWBDE executive director in this chapter and in any other general or special law shall be exercised and discharged subject to the direction, control and supervision of the secretary of economic affairs.

The OMWBDE executive director shall be appointed by the secretary of economic affairs, with the approval of the governor, and may, with like approval, be removed. The position of OMWBDE executive director shall be classified in accordance with section forty-five of chapter thirty and the OMWBDE executive director shall devote his full time during business hours to the duties of OMWBDE and shall give to the state treasurer a bond for the faithful performance of his duties.

The OMWBDE executive director shall be the executive and administrative head of OMWBDE and shall be responsible for administering and enforcing the provisions of law relative to OMWBDE and to each administrative unit thereof. Powers and duties given to any administrative unit of OMWBDE by any general or special law shall be exercised and discharged subject to the direction, control and supervision of the OMWBDE executive director.

The OMWBDE executive director may, subject to approval by the secretary of economic affairs, adopt, amend, alter or repeal and shall enforce, all such reasonable rules, regulations and orders as may be necessary or suitable for the administration and performance of the duties of OMWBDE as set forth in sections thirty-nine to forty-four, inclusive.

Section 39B. The executive director of OMWBDE may, subject to appropriation and with the approval of the secretary of economic affairs,

appoint and may, with like approval, remove all such employees as may be necessary to carry out the work of OMWBDE. Unless otherwise provided by law, all such appointments and removals shall be made in accordance with chapter thirty-one. From time to time the executive director may, subject to appropriation and the laws and regulations pertaining to the employment of consultants, employ such consultants as he may deem necessary.

Section 39C. OMWBDE may accept gifts or grants of money or property from any source, which shall be held in trust for the use of OMWBDE by the secretary of economic affairs as custodian.

Section 39D. The executive director of the OMWBDE shall prepare and submit to the secretary of economic affairs an annual report consistent with the requirements of section thirty-two of chapter thirty.

**SECTION 31.** Said chapter 23A is hereby further amended by striking out section 40, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 40. As used in sections forty-one to forty-four, inclusive, the following words shall have the following meanings, unless a contrary intent is clearly indicated:-

"SOMWBA", the state office of minority and women business assistance as established by executive order ninety-two of nineteen hundred and seventy-two, amended by executive order one hundred and twenty-four of nineteen hundred and seventy-six, and designated by section forty-one herein.

"Minority business enterprise", for the purpose of receipt of services from SOMWBA, means a business enterprise that is owned or controlled by one or more socially or economically disadvantaged persons. Such disadvantage may arise from cultural, racial, chronic economic circumstances or background or other similar cause. Such persons include, but are not limited to, Negroes, Puerto Ricans, Spanish-speaking Americans, American Indians, Eskimos, and Aleuts.

"Director", the director of SOMWBA.

"Executive director", the executive director of OMWBDE.

"OMWBDE", the office of minority and women business development and employment.

"Secretary", the secretary of economic affairs.

"Women business enterprise", for the purpose or receipt of services from SOMWBA means a business enterprise that is both owned and controlled, by one or more women who have invested in an ongoing business free of conversion rights.

**SECTION 32.** Said chapter 23A is hereby further amended by striking out section 41, as so appearing, and inserting in place thereof the following section:-

Section 41. There shall be a state office of minority and women business assistance which shall be a division of the office of minority and women business development and employment within the executive office of economic affairs.



**SECTION 33.** Said chapter 23A is hereby further amended by striking out section 42, as so appearing, and inserting in place thereof the following section:–

Section 42. The director shall have all necessary authority, subject to the direction, control and supervision of the executive director of OMWBDE, to utilize existing staff in the agencies within the executive office of economic affairs to effect the purposes of sections thirty-nine to forty-four, inclusive, and shall have the authority to seek such funds, public or private, as may be available and needed to carry out the intent of said sections.

**SECTION 34.** Said chapter 23A is hereby further amended by striking out section 43, as so appearing, and inserting in place thereof the following section:–

Section 43. SOMWBA shall have a director, assistant director and such other specialists in minority and women business assistance as may, from time to time, be authorized. SOMWBA, may, either on its own staff or by contract with community groups, private companies, or public or nonprofit agencies, have available community liaison officers, financial and marketing experts, and persons skilled in public and private contract procurement procedures.

**SECTION 35.** Said chapter 23A is hereby further amended by striking out section 44, as so appearing, and inserting in place thereof the following section:–

Section 44. (1) SOMWBA shall seek to develop a listing of minority and women businesses within the commonwealth, and shall, from time to time, notify such businesses of the programs and services available to them, whether from public or private sources, or from local, state or federal agencies.

(2) SOMWBA is hereby authorized, subject to approval by the executive director of OMWBDE, to establish its own programs and policies and to seek from any official or agency of the commonwealth or its political subdivisions, such information and assistance as is necessary to carry out its functions and duties; and all officials, agencies or political subdivisions of the commonwealth are hereby directed to supply such information or assistance.

(3) SOMWBA shall receive assistance from state agencies including, where consistent with existing law, commitments that such agencies do a limited amount of preferential contracting and subcontracting with minority or women businesses. SOMWBA shall assist minority and women businesses in making use of any special programs which may be operated by the state or by various departments and agencies of the federal government.

(4) SOMWBA, through the secretary and the OMWBDE executive director, shall coordinate its activities with those of other offices and activities of OMWBDE, and shall assist minority and women businesses in their dealings with federal agencies and with state departments and agencies, including, but not limited to, the department of labor and

industries, the department of corporations and taxation, the state purchasing agent and the division of employment security. In coordination with the state director of affirmative action, SOMWBA shall also provide assistance to all cabinet secretaries in evaluating economic activities of their offices to determine how their offices may be of assistance of providing fair opportunities for minority and women businesses.

(5) SOMWBA shall work with banks, insurance companies, and other private businesses in the commonwealth to encourage the formation of seed money for facilitating the starting-up and expansion of minority and women businesses. SOMWBA shall provide assistance to minority and women businesses in their efforts to obtain loan money and operating capital from private and public lenders.

(6) SOMWBA shall seek to increase the amount of financial assistance available to minority and women businesses from private financial institutions; and may, from time to time, sponsor conferences, workshops or other informational programs.

(7) SOMWBA shall seek to encourage voluntary assistance programs by which nonminority and nonwomen business employees are loaned to minority and women businesses or by which minority and women business persons are taken into viable business ventures to acquire training and experience in managing business affairs.

(8) SOMWBA is authorized to encourage state contract awarding authorities to seek to increase the incidence of joint ventures between nonminority state contractors and minority and women contractors, by specifically pointing out that such arrangements would constitute one method of partially meeting affirmative action requirements imposed upon both nonminority state contractors and the state. The director of affirmative action shall be kept informed of actions taken under this provision. SOMWBA shall follow advertisements for construction work by public bodies in the commonwealth, shall notify minority and women general contractors and subcontractors of the bid opening dates for the approximate amount of the contract and subcontract work being bid, shall assist them in securing bonds and in bidding for that construction work and shall initiate a program to help qualified minority persons and women to get started as small business firms in the construction field by helping to arrange joint ventures with qualified general contractors and subcontractors and by arranging for administrative and accounting assistance to help them carry out their subcontract and general contract obligations during the period of contract performance.

(9) SOMWBA shall, through the executive director of OMWBDE and the secretary, submit an annual report to the general court on the minority and women businesses which it assists, the type of services which it renders, the difficulties it encounters. Such report shall include such recommendations for legislative or executive action as deemed necessary or desirable.

**SECTION 36.** Said chapter 23A is hereby further amended by adding the following ten sections:–

Section 46. There shall be within the executive office of economic affairs a department called the office of science and technology, hereinafter referred to as OST, which shall be under the supervision and control of an executive director. The powers and duties given to the executive director of OST shall be exercised and discharged subject to the direction, control and supervision of the secretary of economic affairs.

The OST executive director shall be appointed by the secretary of economic affairs, with the approval of the governor, and may, with like approval be removed. The position of OST executive director shall be classified in accordance with section forty-five of chapter thirty and the OST executive director shall devote his full time during business hours to the duties of the OST and shall give to the state treasurer a bond for the faithful performance of his duties.

The executive director of OST shall be the executive and administrative head of OST and shall be responsible for administering and enforcing the provisions of law relative to OST and to each administrative unit thereof. Powers and duties given to any administrative unit of OST by any general or special law shall be exercised subject to the direction, control and supervision of the executive director of OST.

Section 47. The office of science and technology shall be the principal agency of the government for increasing the competitiveness of Massachusetts' businesses by identifying and encouraging efforts to expand the commonwealth's technological resources and by promoting transfer of and access to new and emerging technologies for all sectors of the Massachusetts economy.

Section 48. The executive director of OST may, subject to appropriation and with the approval of the secretary of economic affairs, appoint and may, with like approval, remove all such employees as may be necessary to carry out the work of OST. Unless otherwise provided by law, all such appointments and removals shall be made in accordance with chapter thirty-one. From time to time the executive director may, subject to appropriation and the laws and regulations pertaining to the employment of consultants, employ such consultants as he may deem necessary.

To assist OST in the discharge of its duties the executive director may appoint, without regard to chapter thirty-one but with the approval of the secretary of economic affairs, an advisory committee on science and technology from among interested citizens in the commonwealth.

Members of this committee shall receive no compensation for their services, but may be reimbursed for their expenses. This committee shall annually, on or before the first of November, make a report to the executive director and the secretary of economic affairs, and may make such special reports as it or the executive director of OST may deem desirable.

Section 49. OST may accept gifts or grants of money or property from any source, which shall be held in trust for the use of OST by the secretary of economic affairs as custodian.

Section 50. The executive director of OST shall prepare and submit an annual report pursuant to section thirty-two of chapter thirty.

Section 51. There shall be within the executive office of economic affairs a department called the office of film and video development, hereinafter referred to as OFVD, which shall be under the supervision and control of an executive director. The powers and duties given to the OFVD executive director shall be exercised and discharged subject to the direction, control and supervision of the secretary of economic affairs.

The OFVD executive director shall be appointed by the secretary of economic affairs, with the approval of the governor, and may, with like approval, be removed. The position of executive director shall be classified in accordance with section forty-five of chapter thirty and the executive director shall devote his full time during business hours to the duties of OFVD and shall give to the state treasurer a bond for the faithful performance of his duties.

The OFVD executive director shall be the executive and administrative head of OFVD and shall be responsible for administering and enforcing the provisions of law relative thereto. Powers and duties given to any administrative unit of OFVD shall be exercised subject to the direction, control and supervision of the OFVD executive director.

Section 52. OFVD shall provide film and video assistance to businesses and individuals to develop the commonwealth as a desirable place to film on location, by providing support services to visiting production companies, and by assisting and promoting local film, video, and cable related companies.

Section 53. The OFVD executive director may, subject to appropriation and with the approval of the secretary of economic affairs, appoint and, with like approval, remove all such employees as may be necessary to carry out the work of OFVD. Unless otherwise provided by law, all such appointments and removals shall be made in accordance with chapter thirty-one. From time to time the executive director may, subject to appropriation and the laws and regulations pertaining to the employment of consultants, employ such consultants as he may deem necessary.

Section 54. The OFVD may accept gifts or grants of money or property from any source, which shall be held in trust for the use of OFVD by the secretary of economic affairs as custodian.

Section 55. The OFVD executive director shall prepare and submit an annual report pursuant to section thirty-two of chapter thirty.

**SECTION 37.** Section 11 of chapter 23B of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:-

(b) "Approved training or assistance program", a federal, state or private training or rehabilitation program which has been certified as an approved program by the urban job incentive bureau of the Massachusetts office of business development of the executive office of economic affairs.

---

**ACTS, 1987. - Chap. 525.**

**SECTION 38.** Said section 11 of chapter 23B, as so appearing, is hereby further amended by striking out paragraph (c) and inserting in place thereof the following paragraph:-

(c) "Eligible business facility", a place of business of a corporation subject to the excise imposed under sections thirty to fifty-one, inclusive, of chapter sixty-three or a place of business located in a commercial center revitalization district which place of business is located in a city or town containing one or more eligible sections of substantial poverty or located in a city or town contiguous thereto and for which a certificate of eligibility has been issued by the urban job incentive bureau in the Massachusetts office of business development. A facility for which such a certificate is issued shall be deemed an eligible business facility only during the taxable year or as of the taxable status date to which such certificate relates, as provided in this chapter.

**SECTION 39.** Said section 11 of chapter 23B, as so appearing, is hereby further amended by striking out paragraph (e) and inserting in place thereof the following paragraph:-

(e) "Bureau", the urban job incentive bureau of the Massachusetts office of business development.

**SECTION 40.** Section twelve of said chapter 23B, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

There shall be in the Massachusetts office of business development an urban job incentive bureau. The bureau shall initiate, organize, develop and coordinate a statewide manpower employment assistance and training program designed to enlarge and improve the skills of the work force, especially those within urban areas containing sections of substantial poverty.

**SECTION 41.** Section 15 of said chapter 23B, as so appearing, is hereby amended by striking out paragraph (a) and inserting in place thereof the following paragraph:-

(a) If the bureau finds that a business facility described in an application for a certificate of eligibility meets the requirements of section thirteen, it shall issue such certificate; provided, however, that no such certificate shall be issued for a facility which is located in a commercial center revitalization district unless the secretary of economic affairs shall have certified the facility to be consistent with the plan establishing that district.

**SECTION 42.** Section 3 of chapter 23D, as appearing in the 1986 Official Edition, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

The executive director of the industrial services program may utilize the offices, staff, and resources of other agencies of the executive branch including, but not limited to, the Bay State Skills Corporation, the Massachusetts office of business development, the division of

employment security, the executive office of communities and development, the Massachusetts community development finance corporation, the Massachusetts government land bank, the Massachusetts industrial finance agency, the Massachusetts Product Development Corporation, the Massachusetts Economic Stabilization Fund, and the Massachusetts Technology Development Corporation and such voluntary and uncompensated services as may from time to time be necessary for the proper performance of the duties and purposes of the program.

**SECTION 43.** Section 48 of chapter 31 of the General Laws is hereby amended by striking out, in line 17, as so appearing, the words "department of commerce and" and inserting in place thereof the following:-

Massachusetts office of business development, the office of international trade and investment, the office of minority and women business development and employment, the office of science and technology, the office of travel and tourism, the office of film and video.

**SECTION 44.** Section 3 of chapter 40B of the General Laws, as so appearing, is hereby amended by striking out, in line 11, the words "division of planning of the department of commerce and" and inserting in place thereof the following words:- Massachusetts office of business.

**SECTION 45.** Section 9 of chapter 40B 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 executive director of the Massachusetts office of business development, hereinafter in this section and sections ten to nineteen, inclusive, called the executive director, may establish a regional planning and economic development district consisting of all the cities and towns in the Southeastern Massachusetts Regional Planning District established under this chapter, and the towns of Plymouth, Plympton, Carver and Kingston, to be known as the Southeastern Regional Planning and Economic Development District, provided a determination is made by the United States Secretary of Commerce that said area is eligible for designation as an economic development district in accordance with the provisions of the Public Works and Economic Development Act of 1965. Said district shall constitute a public body politic and corporate.

**SECTION 46.** Section 10 of said chapter 40B, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Upon the designation of the regional planning and economic development district by the executive director, all cities and towns within the boundaries of the district shall become members of the district. The executive director may from time to time review the boundaries of the district so established and, if he deems it in the best interest of the district, he may with approval of a majority of the

---

**ACTS, 1987. – Chap. 525.**

members of the regional planning and economic development commission include additional cities and towns, or he may exclude cities and towns from said district; provided, however, that prior to such increase or decrease in the membership of the district, the executive director shall consult with the mayor of a city, or the city manager in a city having a Plan D or Plan E form of government, or the selectmen of a town to be included or excluded from such district.

**SECTION 47.** Section 11 of said chapter 40B, as so appearing, is hereby amended by striking out, in lines 28, 44 and 47, the word "commissioner" and inserting in place thereof, in each instance, the following words:– executive director.

**SECTION 48.** Section 13 of said chapter 40B, as so appearing, is hereby amended by striking out, in lines 6 and 8, the word "commissioner" and inserting in place thereof, in each instance, the following words:– executive director.

**SECTION 49.** Section 24 of said chapter 40B, as so appearing, is hereby amended by striking out, in lines 17 and 18, the words "commissioner of commerce and" and inserting in place thereof the following words:– executive director of the Massachusetts office of business.

**SECTION 50.** Section 3 of chapter 40C of the General Laws, as so appearing, is hereby amended by striking out, in line 16, the words "commissioner of commerce and" and inserting in place thereof the following words:– executive director of the Massachusetts office of business.

**SECTION 51.** Section 2 of chapter 40D of the General Laws, as so appearing, is hereby amended by striking out, in lines 44 and 73, the words "department of commerce and" and inserting in place thereof, in each instance, the following words:– Massachusetts office of business.

**SECTION 52.** Section 6 of chapter 40D, as so appearing, is hereby amended by striking out, in lines 5 and 6, the words "department of commerce and" and inserting in place thereof the following words:– Massachusetts office of business.

**SECTION 53.** Section 10 of said chapter 40D, as so appearing, is hereby amended by striking out, in lines 75 and 76, the words "department of commerce and" and inserting in place thereof the following:– Massachusetts office of business.

**SECTION 54.** Section 18 of chapter 40D, as so appearing, is hereby amended by striking out, in lines 19 and 20, the words "department of commerce and" and inserting in place thereof the following words:– Massachusetts office of business.

**SECTION 55.** Section 2 of chapter 40E of the General Laws, as so appearing, is hereby amended by striking out, in line 26, the words "department of commerce and" and inserting in place thereof the following words:- Massachusetts office of business.

**SECTION 56.** Section 3 of said chapter 40E, as so appearing, is hereby amended by striking out, in lines 6 and 7, the words "commissioner of commerce and" and inserting in place thereof the following words:- executive director of the Massachusetts office of business.

**SECTION 57.** Section 8 of said chapter 40E, as so appearing, is hereby amended by striking out, in lines 3 and 20, the words "commissioner of commerce and" and inserting in place thereof, in each instance, the following words:- executive director of the Massachusetts office of business.

**SECTION 58.** Section 8 of chapter 44, as so appearing, is hereby amended by striking out, in lines 144 and 145, the words "department of commerce and" and inserting in place thereof the following words:- Massachusetts office of business.

**SECTION 59.** Section 38F of chapter 63 of the General Laws, as so appearing, is hereby amended by striking out, in line 15, the words "department of commerce and" and inserting in place thereof the following words:- Massachusetts office of business.

**SECTION 60.** Section 7C of chapter 81 of the General Laws, as so appearing, is hereby amended by striking out, in line 42, the words "department of commerce and development" and inserting in place thereof the following words:- office of travel and tourism.

**SECTION 61.** Section 1 of chapter 121C of the General Laws, as so appearing, is hereby amended by striking out paragraph (3) in its entirety and inserting in place thereof the following paragraph:-

(3) "MOBD", the Massachusetts office of business development.

**SECTION 62.** Section 3 of said chapter 121C, as so appearing, is hereby amended by striking out, in line 54, the words "the Department." and inserting in place thereof the following:- MOBD.

**SECTION 63.** Section 4 of said chapter 121C, as so appearing, is hereby amended by striking out, in line 8, the words "the department" and inserting in place thereof the following:- MOBD.

**SECTION 64.** Section 5 of said chapter 121C, as so appearing, is hereby amended by striking out, in lines 19, 60 and 74, the words "the department" and inserting in place thereof, in each instance, the following:- MOBD.



---

**ACTS, 1987. – Chap. 525.**

**SECTION 65.** Section 6 of said chapter 121C, as so appearing, is hereby amended by striking out, in line 27, the words "the department" and inserting in place thereof the following:- MOBD.

**SECTION 66.** Section 10 of said chapter 121C, as so appearing, is hereby amended by striking out, in line 5, the words "the department" and inserting in place thereof the following:- MOBD.

**SECTION 67.** Section 12 of chapter 131 of the General Laws, as so appearing, is hereby amended by striking out, in line 7, the words "department of commerce and" and inserting in place thereof the following words:- Massachusetts office of business.

**SECTION 68.** The executive office of economic affairs 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, the executive office of economic affairs or any agency thereof, for the use of persons under its control in any facility of the executive office, or, if the acceptance of such trust is approved by the governor, for expenditure upon any work which the executive office is authorized to undertake.

**SECTION 69.** Notwithstanding the provisions of section twenty-two of chapter twenty-nine of the General Laws or any other general or special law to the contrary, funds made available by appropriation, or otherwise, for enabling the executive office of economic affairs or any agency thereof to carry out the provisions of this act may be advanced to the executive office in such sums and such rules and regulations as the comptroller may determine.

**SECTION 70.** The functions, rights, powers, duties, obligations and properties of the following administrative units within the department of commerce and development are hereby transferred and shall hereafter be exercised, performed and held by the executive office of economic affairs established by section seventeen of chapter six A of the General Laws: the bureau of economic development for Western Massachusetts, abolished by section six; and the bureau of administration, abolished by section eight of this act.

**SECTION 71.** The functions, rights, powers, duties, obligations and properties of the following administrative units within the department of commerce and development are hereby transferred to and shall hereafter be exercised, performed and held by the Massachusetts office of business development established by section three of this act: the divisions of economic development and of planning, the district offices and any bureaus and sections, abolished by section five; the bureaus of area planning and commercial and industrial development, abolished by section six; the bureau of research and statistics, abolished by section eight; and the advisory commissions on commercial and industrial

development, manpower development training and regional planning, abolished by section nine.

**SECTION 72.** The functions, rights, powers, duties, obligations and properties of the division of small business assistance within the department of commerce and development, abolished by section five of this act are hereby transferred to and shall hereafter be exercised, performed and held by the division of entrepreneurial and small business development of the Massachusetts office of business development established by said section five.

**SECTION 73.** The functions, rights, powers, duties, obligations and properties of the following administrative units within of the department of commerce and development abolished by section three of this act are hereby transferred to and shall hereafter be exercised, performed and held by the office of travel and tourism established by section thirteen of this act: the division of tourism, abolished by section five; the bureau of vacation travel, abolished by section six; and the advisory commission on vacation travel, abolished by section nine of this act.

**SECTION 74.** The functions, rights, powers, duties, obligations and properties of the following administrative units within the department of commerce and development abolished by section three of this act are hereby transferred to and shall hereafter be exercised, performed and held by the office of international trade and investment established by section twenty-three of this act: the advisory commission on international trade, abolished by section nine; and the office of international trade, abolished by section twenty-four of this act.

**SECTION 75.** The functions, rights, powers, duties, obligations and properties of the advisory commission on science and technology within the department of commerce and development abolished by section nine of this act are hereby transferred to and shall hereafter be exercised, performed and held by the office of science and technology established by section forty-six of this act.

**SECTION 76.** The functions, rights, powers, duties, obligations and properties of the bureau of film and video development within the department of commerce and development abolished by section seven of this act are hereby transferred to and shall hereafter be exercised, performed and held by the office of film and video development established by section thirty-six of this act.

**SECTION 77.** The functions, rights, powers, duties, obligations and properties of the state office of minority business assistance within the department of commerce and development abolished by section five of this act are hereby transferred to and shall hereafter be exercised, performed and held by the state office of minority and women business assistance established by section thirty-four of this act.

**SECTION 78.** The terms of office of all appointed members of the advisory boards abolished by section nine of this act which are not subject to chapter thirty-one of the General Laws are hereby terminated.

**SECTION 79.** The terms of office of the commissioner of commerce and development and the deputy commissioners of economic development, small business assistance, the state office of minority business assistance, tourism and planning shall terminate on the effective date of this act and any person then holding office shall serve at the pleasure of the secretary of economic affairs.

**SECTION 80.** All employees of any department, office, commission, board, division, bureau, section or other agency transferred by this act to the executive office of economic affairs, the Massachusetts office of business development, the office of international trade and investment, the office of science and technology, the office of minority and women business development and employment, the state office of minority and women business assistance, the office of travel and tourism or the office of film and video development, and all employees of any agency abolished by this act, the functions of which are transferred to any such office, who immediately prior to the effective date of this act, 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, are hereby transferred to the executive office or to the appropriate agency thereof, 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 chapter thirty-one and the rules and regulations adopted thereunder.

All employees of any such department, office, commission, board, division, bureau or other agency who, immediately prior to said effective date, neither hold permanent appointment in such positions nor have such tenure, are hereby transferred to the executive office or to the appropriate agency thereof, every such transfer to be without impairment of seniority, retirement and other rights of such employees, 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 of 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

section forty-seven A of said chapter thirty-one.

**SECTION 81.** All petitions, hearings and other proceedings duly brought before, and all prosecutions and legal and other proceedings duly begun by any department, office, commission, board, division, bureau, officer, administrative unit or other agency transferred by this act to the executive office of economic affairs, the Massachusetts office of business development, the office of international trade and investment, the office of science and technology, the office of minority and women business development and employment, the state office of minority and women business assistance, the office of travel and tourism or the office of film and video development, or to any agency which is abolished by this act the functions of which are transferred to the executive office or any such agency thereof, 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 the executive office or the appropriate agency thereof, as the case may be.

All orders, rules and regulations duly made, and all licenses, permits, certificates and approvals duly granted, by any department, division, administrative unit or agency transferred by this act to the executive office of economic affairs, the Massachusetts office of business development, the office of international trade and investment, the office of science and technology, the office of minority and women business development and employment, the state office of minority and women business assistance, the office of travel and tourism or the office of film and video development, or to any agency which is abolished by this act the functions of which are transferred to the executive office or any such agency thereof, which are pending 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 agency within the executive office or the executive office, as the case may be.

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 economic affairs.

**SECTION 82.** All books, papers, records, property, 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 custody of any department, office, commission, committee, council, board, division, bureau or other agency transferred by this act to the executive office of economic affairs, the Massachusetts office of business development, the office of international trade and investment, the office of science and technology, the office of minority and women business development and employment, the state office of minority and women business assistance, the office of travel

and tourism or the office of film and video development, or to any agency which is abolished by this act the functions of which are transferred to the executive office or any such agency thereof, are hereby transferred to the appropriate agency, that all such property held in trust shall continue to be held in trust by the appropriate agency, or if such agency shall decline such trust, by the trustee appointed by the secretary of economic affairs.

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 economic affairs.

**SECTION 83.** All duly existing contracts, leases and obligations of any department, office, commission, committee, council, board, division, bureau, officer or other agency transferred by this act to the executive office of economic affairs, the Massachusetts office of business development, the office of international trade and investment, the office of science and technology, the office of minority and women business development and employment, the state office of minority and women business assistance, the office of travel and tourism or the office of film and video development, or to any agency which is abolished by this act the functions of which are transferred to the executive office or any such agency, which are in force immediately prior to the effective date of this act, shall thereafter be performed by the appropriate agency within the executive office or the executive office, as the case may be. No existing right or remedy of any character shall be lost, impaired or affected by the provisions of this act.

**SECTION 84.** All monies heretofore appropriated for any department, office, commission, committee, council, board, division, bureau, officer or other agency transferred by this act to the executive office of economic affairs, the Massachusetts office of business development, the office of international trade and investment, the office of science and technology, the office of minority and women business development and employment, the state office of minority and women business assistance, the office of travel and tourism or the office of film and video development, or to any agency which is abolished by this act the functions of which are transferred to the executive office or any such agency thereof, remaining unexpended on the effective date of this act, are hereby transferred to the executive office of economic affairs, and shall be available for expenditure by the executive office or the appropriate agency thereof 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 economic affairs.

**SECTION 85.** Wherever the name of any board, committee, commission, council, department or division transferred by this act to the executive office of economic affairs or any agency thereof or the

name of any agency which is abolished by this act the functions of which are transferred to the executive office of economic affairs or any agency thereof, appears in any general or special law, or in any order, rule, regulation or other document, such name shall mean and shall be construed as referring to the executive office or the appropriate agency thereof, as the case may be.

**SECTION 86.** Wherever in any special or general law or in any rule or regulation there is provided a right of appeal to any department, office, commission, committee, council, board, division, bureau, officer, or other agency transferred by this act to the executive office of economic affairs, the Massachusetts office of business development, the office of international trade and investment, the office of science and technology, the office of minority and women business development and employment, the state office of minority and women business assistance, the office of travel and tourism or the office of film and video development, or to any agency which is abolished by this act the functions of which are transferred to the executive office or any such agency thereof, a right of appeal to the appropriate agency within the executive office or the executive office as the case may be, shall exist and such appeal shall be made pursuant to the provisions of any applicable law, rule or regulation or amendments thereto or, in the absence of such applicable law, rule or regulation, pursuant to chapter thirty A of the General Laws.

**SECTION 87.** All powers, duties and other statutory provisions which, prior to the effective date of this act, were assigned to, or exercised by, any department, office, commission, committee, council, board, division, bureau, office or other agency transferred by this act to the executive office of economic affairs, the Massachusetts office of business development, the office of international trade and investment, the office of science and technology, the office of minority and women business development and employment, the state office of minority and women business assistance, the office of travel and tourism or the office of film and video development, or to any agency which is abolished by this act the functions of which are transferred to the executive office or any such agency thereof, shall continue to be exercised and performed by, and to be assigned to, the appropriate agency or office within the executive office or any such agency thereof except as such powers, duties or other statutory provisions are codified by this act.

**SECTION 88.** This act shall take effect on November 29, 1987.

The foregoing was agreed to by the House of Representatives, September 30, 1987 and by the Senate on October 5, 1987 and under the provisions of Article LXXXVII of the Amendments to the Constitution it has the force of a law.

**Chapter 526. AN ACT AUTHORIZING THE LICENSING AUTHORITY OF THE TOWN OF ABINGTON TO ISSUE AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES TO GEORGE J. ROBERTS, III D/B/A THE DEPOT.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority in the town of Abington is hereby authorized to issue 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 to George J. Roberts, III d/b/a The Depot. 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 section seventeen.

**SECTION 2.** This bill shall take effect upon its passage.

Approved November 30, 1987.

---

**Chapter 527. 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 immediately 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.** Section 34 of chapter 121B of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following three sentences:– Commencing with the first of January, nineteen hundred and eighty-seven, housing authorities which have received federal financial assistance may satisfy the requirements of the Single Audit Act of 1984, 31 USC 7501 et seq. by causing audits of its records to be made annually or biennially by an independent auditor to be selected by such housing authorities to conduct such audits. Any housing authority acting under the requirements of this section which submits to the office of the state auditor audited financial statements which the state auditor deems to be suspect, deficient, or inconsistent with

---

**ACTS, 1987. – Chaps. 528, 529.**

prescribed standards set forth by the department shall cause an audit to be made of its accounts on an annual basis for the three successive years following the audit in question. Such audits shall be made in accordance with generally accepted government auditing standards.

**SECTION 2.** Chapter four hundred and thirteen of the acts of nineteen hundred and eighty-seven is hereby repealed.

**SECTION 3.** Chapter 465 of the acts of 1987 is hereby amended by striking out section 36 and inserting in place thereof the following section:-

**Section 36.** Said section 29 of said chapter 151A is hereby further amended by striking out the word "fifteen", inserted by section 35 of this act, and inserting in place thereof the following word:- twenty-five.

**SECTION 4.** Section one shall take effect on January eighteenth, nineteen hundred and eighty-eight. Section three shall take effect on January first, nineteen hundred and eighty-eight.

Approved November 30, 1987.

---

**Chapter 528. AN ACT DIRECTING THE DEPARTMENT OF PUBLIC WORKS TO REIMBURSE ROBERT GOYETTE OF THE TOWN OF SCITUATE.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately direct the department of public works to reimburse Robert Goyette, 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:

In order to discharge a moral obligation, the department of public works is hereby authorized and directed to reimburse, from any available funds, Robert Goyette of the town of Scituate the sum of four thousand eight hundred and twenty-five dollars for costs incurred in installing a certain water line and connecting it to a public water supply in December, nineteen hundred and eighty-five for the purpose of replacing a salt contaminated well.

Approved December 1, 1987.

---

**Chapter 529. AN ACT PROVIDING FOR A CERTAIN SPECIAL ELECTION IN THE TOWN OF WEST STOCKBRIDGE.**



---

**ACTS, 1987. – Chaps. 530, 531.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of sections six C and six D of chapter forty of the General Laws, the town of West Stockbridge is hereby authorized, at a special town election called for such a purpose, to submit the provisions of said section six C to the registered voters of such town for acceptance, in the form of the following question, which shall be placed on the official ballot used at such special town election: "Shall the town vote to accept the provisions of section six C of chapter forty of the General Laws, which authorize cities and towns to appropriate money for the removal of snow and ice from private ways therein open to public use?"

If a majority of the votes in answer to said question is in the affirmative, then said section shall thereupon take full effect in such town, but not otherwise.

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

Approved December 1, 1987.

---

**Chapter 530. AN ACT AUTHORIZING THE BOARD OF SELECTMEN OF THE TOWN OF FAIRHAVEN TO SELECT THE CHAIRMAN OF THE BOARD OF ASSESSORS AND TO DETERMINE THE SALARIES OF THE MEMBERS OF THE BOARD OF ASSESSORS.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of section twenty-four 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 Fairhaven shall select a suitable person, who need not be a resident of said town, chairman of the board of assessors, and the members of the board of assessors shall receive such salaries as the selectmen may determine.

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

Approved December 1, 1987.

---

**Chapter 531. AN ACT AUTHORIZING THE BOARD OF SELECTMEN OF THE TOWN OF FAIRHAVEN TO APPOINT THE COLLECTOR OF TAXES.**

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

---

**ACTS, 1987. – Chaps. 532, 533.**

contrary, the board of selectmen of the town of Fairhaven shall appoint a suitable person, who need not be a resident of the town, collector of taxes for a term of not more than three years and may remove him at any time for cause after a hearing. Upon the taking of the oath of office by such person so appointed, the term of the existing collector of taxes shall terminate.

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

Approved December 1, 1987.

---

**Chapter 532. AN ACT AUTHORIZING THE BOARD OF SELECTMEN OF THE TOWN OF FAIRHAVEN TO APPOINT THE TOWN TREASURER.**

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 Fairhaven shall appoint a suitable person, who need not be a resident of said town, town treasurer for a term of one to three years, and may remove him at any time for cause after a hearing. Upon the taking of the oath of office by such person so appointed, the term of the existing town treasurer shall terminate.

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

Approved December 1, 1987.

---

**Chapter 533. AN ACT RELATIVE TO MORTGAGE DISCHARGES.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the timely issuance of mortgage discharges, 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 55 of chapter 183 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following six paragraphs:-

Notwithstanding the foregoing, if such mortgagee fails to make such discharge or to execute and acknowledge a deed of release of the mortgage within thirty days from receipt of payment of the mortgage in accordance with the payoff statement furnished to the mortgagor by the said mortgagee, an attorney-at-law licensed to practice in the

commonwealth may, on behalf of the mortgagor, his executor, administrator, successor, assignee, transferee, or his transferee's mortgagee, execute and cause to be recorded in the registry of deeds in which the mortgage is recorded, an affidavit which states that:

(1) the affiant is an attorney-at-law in good standing and licensed to practice in the commonwealth;

(2) the affidavit is made on behalf of, and at the request of, the mortgagor, his executor, administrator, successor, assignee or transferee, or his transferee's mortgagee;

(3) the mortgagee has provided a payoff statement with respect to the loan secured by the mortgage;

(4) the affiant has ascertained that the mortgagee has received payment of the loan secured by the mortgage in accordance with the payoff statement, as evidenced by a bank check, certified check or attorney's clients' funds account check which has been negotiated by the mortgagee, or by other documentary evidence of such receipt of payment by the mortgagee;

(5) more than thirty days have elapsed since such payment was received by the mortgagee;

(6) the affiant has given the mortgagee at least fifteen days notice in writing by certified mail of intention to execute and cause to be recorded an affidavit in accordance with this section, together with a copy of the proposed affidavit; and that the mortgagee has not delivered a discharge or deed of release in response to such notification and that the mortgagor has complied with any request made by the mortgagee for additional payment at least fifteen days prior to the date of the affidavit.

The affidavit shall also include the names and addresses of both the mortgagor and the mortgagee, the date of the mortgage and the title reference. Similar information shall be included with respect to any recorded assignment of the mortgage.

The affiant shall attach to the affidavit (a) photostatic copies of the documentary evidence that payment has been received by the mortgagee, including the mortgagee's endorsement of any bank check, certified check or attorney's clients funds account, and (b) a photostatic copy of the payoff statement, if made in writing, and shall certify on each that it is a true copy of the original document.

The affidavit, when recorded, shall constitute a discharge of the mortgage and a release of the lien created by the mortgage on the mortgage premises.

Any person who causes an affidavit to be recorded in accordance with this section, knowing the information and statements contained therein to be false, shall be punished by a fine of not more than five thousand dollars.

For the purposes of this section, the term "payoff statement" shall mean a statement, written or oral, of the amount of the unpaid balance on a mortgage including principal, interest and other charges properly assessed pursuant to the loan documentation of such mortgage and a

---

**ACTS, 1987. – Chaps. 534, 535.**

statement of the interest on a per diem basis with respect to the unpaid principal balance of the mortgage.

Approved December 1, 1987.

---

**Chapter 534. AN ACT RELATIVE TO MEMBERS OF THE BOARD OF REGISTRATION IN NURSING.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for membership of the board of registration in nursing, 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 13 of chapter 13 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 7, the word "different".

Approved December 1, 1987.

---

**Chapter 535. AN ACT AUTHORIZING CONVEYANCE OF A UTILITY EASEMENT ACROSS CERTAIN TOWN LAND.**

Be it enacted, etc., as follows:

**SECTION 1.** The town of North Reading, acting through its board of selectmen, conservation commission and other committees, is hereby authorized to grant to the town of Reading Municipal Light Department an easement for the transmission of electricity over certain parcels of land, including conservation land, presently owned by said town of North Reading in or near the Swan pond area. Said land being described as follows: land shown on town of North Reading Assessor's Map 74 as Parcel 69, appearing thereon to contain 38.51 acres, land shown on town of North Reading Assessor's Map 73 as Parcel 4, appearing thereon to contain 31.4 acres, land shown on town of North Reading Assessor's Map 80 as Parcel 3, appearing thereon to contain 51.25 acres, land shown on town of North Reading Assessor's Map 73 as Parcel 3, appearing thereon to contain 9.2 acres, land shown on town of North Reading Assessor's Map 73 as Parcel 2, appearing thereon to contain 12.0 acres, land shown on town of North Reading Assessor's Map 74 as Parcel 70, appearing thereon to contain 164.5 acres, land shown on town of North Reading Assessor's Map 72 as Parcel 20, appearing thereon to contain 17,500 square feet, land shown on town of North Reading Assessor's Map 72 as Parcel 33, appearing thereon to contain 4.8 acres, land shown on town of

---

**ACTS, 1987. – Chaps. 536, 537.**

North Reading Assessor's Map 81 as Parcel 1, appearing thereon to contain 1 acres, land shown on town of North Reading Assessor's Map 81 as Parcel 4, appearing thereon to contain 1.3 acres, land shown on town of North Reading Assessor's Map 72 as Parcel 3, appearing thereon to contain 14,000 square feet.

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

Approved December 1, 1987.

---

**Chapter 536. AN ACT AUTHORIZING THE TOWN OF AMHERST TO CONVEY A CERTAIN PARCEL OF CONSERVATION LAND TO THE AMHERST HOUSING AUTHORITY.**

Be it enacted, etc., as follows:

**SECTION 1.** The town of Amherst, acting by and through its board of selectmen, is hereby authorized to convey a certain parcel of land, acquired for conservation purposes and under the management and control of the conservation commission of said town to the Amherst Housing Authority.

Said parcel of land is shown on a plan of land entitled "Plan of Land made for Inhabitants of the Town of Amherst situated in Amherst, Massachusetts" dated 12 Sept 1986 prepared by the engineering department of said town and on file in the office of said department.

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

Approved December 1, 1987.

---

**Chapter 537. AN ACT RELATIVE TO TAX DEFERRED INVESTMENTS FOR STATE AND COUNTY EMPLOYEES.**

Be it enacted, etc., as follows:

Chapter 15 of the General Laws is hereby amended by striking out section 18A, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 18A. As used in this section, the words "includible compensation" and "custodial account" shall have the same meaning as in section 403(b) of the Internal Revenue Code of 1986, as amended; and the word "premiums" shall include contributions to a custodial account.

The state board of education on behalf of any employee of the department of education and the board of regents of higher education on behalf of any employee of its system of public institutions of higher

education, the boards of trustees of the Bristol county agricultural school, the Essex agricultural and technical institute and the Norfolk county agricultural school, on behalf of any employee at their respective schools, and the board or other body or officer of any other public educational institution maintained and operated by the commonwealth or by any county, on behalf of any employee thereof, may enter into a written agreement with any such employee to purchase an individual or group annuity contract or any other investment approved by the internal revenue service guidelines relative to section 403(b) of the Internal Revenue Code of 1986, as amended, for such employee; provided, however, that in no event shall the total of the premiums paid for the purchase of such annuity or other investment and such employee's includible compensation for any year exceed the total annual salary or compensation under the existing salary schedule for the job group applicable to such employee in such year. Such employee's rights in such annuity contract or other investment shall be nonforfeitable.

Any such annuity contract shall be purchased only from an insurer authorized to issue life insurance or annuity contracts in the commonwealth; provided, however, that such board or other body or officer may agree with any employee or prospective employee who has an annuity contract in force for at least ninety days prior to the effective date of such agreement to continue to make premium payments under such contract subsequent to the effective date of such agreement, without regard to whether or not such contract has been issued by an insurer authorized to issue such contracts in the commonwealth, but in such case any subsequent contract shall be purchased only from an insurer authorized to issue life insurance or annuity contracts in the commonwealth.

Upon execution of such an agreement, such board or other body or officer, shall forthwith give written notice thereof to the treasurer of the commonwealth or the county or to the appropriate payroll officer of such educational institution, as the case may be, and shall certify the amount and dates of premiums payable under the terms of such annuity contract or of the custodial agreement setting up the custodial account to hold such other investment; the name of the issuer of such annuity contract or the custodian of such custodial account; and the office to which such premium payments shall be made. Said treasurer or other payroll officer shall thereafter make such premium payments while said contract or custodial agreement is in force and such employee is actively employed by such board, and upon written notice duly given by such board or other body or officer, shall make any changes in the manner or amount of premium payments required under the terms of any subsequent agreement entered into by such employee and such board or other body or officer, and shall stop such premium payments when so notified by such board or other body or officer.

Approved December 1, 1987.

---

**ACTS, 1987. - Chaps. 538, 539.**

**Chapter 538. AN ACT DESIGNATING THE ADMINISTRATION BUILDING AT THE UNIVERSITY OF MASSACHUSETTS AT BOSTON AS THE ROBERT H. QUINN ADMINISTRATION BUILDING.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, the administration building at the University of Massachusetts at Boston located in the Dorchester district of the city of Boston shall be designated and known as the Robert H. Quinn Administration Building in honor of former attorney general, former speaker of the Massachusetts house of representatives and former chairman of the board of trustees of the University of Massachusetts at Boston. A suitable marker bearing said designation shall be attached thereto by said university.

Approved December 1, 1987.

---

**Chapter 539. AN ACT PROVIDING THAT THE POSITION OF THE CHIEF OF THE POLICE DEPARTMENT OF THE TOWN OF NATICK BE EXEMPT FROM THE CIVIL SERVICE LAW.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding any contrary provisions of the law, the position of the chief of the police department of the town of Natick 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 office of chief of the police department of the town of Natick on the effective date of this act.

**SECTION 3.** This act shall be submitted for acceptance to the voters of the town of Natick at the town election held in the year nineteen hundred and eighty-eight or the next special or regular town election held thereafter, in the form of the following question which shall be placed on the official ballot to be used for said election: "Shall an act passed by the General Court in the year nineteen hundred and eighty-seven, entitled 'An Act providing that the position of the chief of the police department of the town of Natick be exempt from the civil service law' be accepted?" If a majority of the votes in answer to said question is in the affirmative then this act shall thereupon take full effect, but not otherwise.

Approved December 1, 1987.

EMERGENCY LETTER: December 1, 1987 @ 3:42 P.M.

**Chapter 540. AN ACT RELATIVE TO THE ADMISSIBILITY IN EVIDENCE OF CERTAIN MEDICAL BILLS.**

Be it enacted, etc., as follows:

Chapter 233 of the General Laws is hereby amended by striking out section 79G, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 79G. In an action of tort or contract, or for consequential damages arising therefrom, an itemized bill for medical, dental or hospital services rendered to a person injured, subscribed and sworn to under the penalties of perjury, by the physician, dentist, optometrist, chiropractor, physical therapist, podiatrist, authorized agent of a health maintenance organization or authorized agent of the hospital rendering such services, shall be admissible as evidence of the necessary, fair and reasonable charge for such services; provided, however, that said bill shall include only the date and place of each service rendered because of said injury and the charge therefor without reference to the injury itself or the history thereof; and provided, further, that written notice of the intention to offer such a bill as such evidence, with a copy thereof, has been given to the opposing party or parties, or to his or their attorneys, by mailing the same by certified mail not less than ten days before the trial, and that an affidavit of such notice is filed with the clerk of the court forthwith. Nothing contained in this section shall be construed to limit the right of the defendant to summon, at his own expense, such physician, dentist, optometrist, chiropractor, physical therapist, podiatrist, or authorized agent of a health maintenance organization or of a hospital or the records of such health maintenance organization or hospital for the purpose of cross examination with respect to such bill or record or to rebut the contents thereof, or for any other purpose, nor to limit the right of the defendant to summon any other person to testify in respect to such bill or record or for any other purpose.

The words "physician", "dentist", "optometrist", "chiropractor", "physical therapist", and "podiatrist" shall not include any person who is not licensed to practice as such under the laws of the jurisdiction within which such services were rendered.

The word "hospital" shall mean any hospital required to keep records under section seventy of chapter one hundred and eleven, or which is in any way licensed or regulated by the laws of any other state, or by the laws and regulations of the United States of America, including hospitals of the Veterans Administration or similar type institutions, whether incorporated or not.

The words "health maintenance organization" shall have the same meaning as defined in section one of chapter one hundred and seventy-six G.

Approved December 1, 1987.



**Chapter 541. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY CERTAIN LAND OF THE COMMONWEALTH IN THE TOWN OF IPSWICH TO ESSEX COUNTY.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 558 of the acts of 1982 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

**Section 1.** The deputy commissioner of the division 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 sell and convey by deed, approved as to form by the attorney general, two parcels of land and slope easements located in the town of Ipswich, to Essex county, subject to the requirements of sections two, three and four and to such additional terms and conditions as said deputy commissioner may prescribe, in consultation with the department of environmental management said land being described in a plan entitled, "County of Essex, Massachusetts, Plan of Land owned by the Commonwealth of Massachusetts located in Ipswich, Massachusetts, F. Richard Gelotti, Senior Asst. County Engineer, November 21, 1986, Scale 1" = 40' " filed in the office of the County Engineer and to be filed in the southern district registry of deeds in Essex county and more particularly described as follows:-

Parcel #1. A parcel of land located on the southerly side of Linebrook Road in the town of Ipswich and bounded northerly by Linebrook Road about 176 feet, easterly by land of the town of Ipswich about 118 feet and southerly by remaining land of the Commonwealth of Massachusetts about 225 feet, said parcel containing about 11,760 square feet. Said slope easements are shown on a plan of land entitled: "Plan of Land owned by Commonwealth of Massachusetts located in Ipswich, Mass.", dated November 21, 1986, and drawn by F. Richard Gelotti, Senior Asst. which is on file in the engineer's office of Essex county.

Parcel #2. A parcel of land located southerly of Linebrook Road in the town of Ipswich and bounded northerly by land of the Commonwealth of Massachusetts about 547 feet, easterly by land of the town of Ipswich about 63 feet, southerly by land of the Commonwealth of Massachusetts about 548 feet and westerly by land of the town of Ipswich about 64 feet, said parcel containing about 33,000 square feet.

**SECTION 2.** No deed conveying by or on behalf of the commonwealth, the property described in section one, shall be valid unless such deed provides that said property shall be used for highway purposes and, that the easements for the right to grade the slopes adjacent to the highway shall be used to support and protect such highway.

**SECTION 3.** In the event that the property, described in section one, is not used for the purposes described in section two, or if the

---

**ACTS, 1987. – Chap. 542.**

aforementioned purposes cease at any time, the parcels shall revert to the commonwealth under such terms and conditions as the deputy commissioner may prescribe.

**SECTION 4.** The recipient of said conveyance of property and easements shall assume the costs of appraisals, surveys, and other expenses as deemed necessary by the deputy commissioner for the conveyance of this property.

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

Approved December 2, 1987.

---

**Chapter 542. AN ACT RELATIVE TO ACCESS TO HEALTH CARE SERVICES.**

Be it enacted, etc., as follows:

Chapter 93 of the General Laws is hereby amended by adding after section 94, inserted by chapter 424 of the acts of 1987, the following six sections:-

Section 95. For purposes of sections ninety-five to one hundred, inclusive, the following words shall have the following meanings unless the context clearly requires otherwise:-

"Listed action", any (a) claim for personal injuries made against any provider of health care services or subscriber, whether for injuries to the person making the claim or to any other person, or (b) complaint or stated intention to complain of the conduct of any provider of health care services or subscriber to any governmental agency, licensing authority or certifying authority.

"Listing service", any person, firm, corporation, partnership, unincorporated association, franchise, franchisor or other entity which compiles plaintiff personal injury listings for distribution to subscribers.

"Plaintiff", any person who has initiated a listed action.

"Plaintiff personal injury listing", a compilation or index of one or more names of persons who have initiated, or currently are initiating, or who have sought or have attempted to seek a settlement of, a listed action.

"Subscriber", any person, firm, corporation, partnership, unincorporated association, franchise, franchisor or other entity which directly provides health care services or which is engaged in the organization, administration, management, financing or insuring of the provision of health care services and which purchases, rents, borrows or otherwise obtains information contained in a plaintiff personal injury listing.

Section 96. (1) No plaintiff personal injury listing may be sold or otherwise distributed by a listing service unless it includes a clear and accurate statement of the following information as to each matter listed therein:-

- (a) the names and addresses of the parties;
- (b) the claim of the plaintiff; and
- (c) the current status or disposition of the matter so listed including, when applicable, whether the matter has gone to a hearing or trial, whether the trier of fact has found the defendant liable, the amount of the settlement or award to plaintiff, if any, and the terms of the settlement or award.

Section 97. Every listing service shall disclose in writing to all persons named in a plaintiff personal injury listing the fact of such listing and the information contained therein. Disclosure shall also include the identity of all subscribers to whom the person's listing has been furnished and the following statement:

Your name appears in a listing of persons who have taken action against a doctor, clinic, hospital or other health care provider. You have the right to review the information on the list for accuracy and completeness. If you believe any information contained in this listing is either incorrect or incomplete, you may submit a written statement to the listing service explaining in what way the information is incomplete or inaccurate and correcting the information. You cannot be refused the services of any provider of health care services on the basis of your name appearing on this list.

If the person believes the information disclosed to him by the listing service to be either inaccurate or incomplete, such person may submit a written statement to the listing service which explains in what way the information is incomplete or inaccurate and corrects the information. The listing service shall, within twenty days of receiving the statement, correct or complete the listing service's information and shall promptly notify all subscribers of the correct or complete information; provided, however, that if the listing service believes the statement to be incorrect, it shall investigate and state in writing to the person who submitted the statement its reasons for declining to correct or complete the listing in whole or in part. The listing service shall report in all future listings that the person has submitted such a statement, and shall include as part of the listing a copy of such statement and any response of the listing service.

Section 98. It is hereby declared to be an unfair and deceptive act or practice in violation of chapter ninety-three A for a subscriber, listing service, or nonsubscriber provider of health care services, or any of their agents, employees or other representatives to:–

(a) Retaliate against a person whose name is contained in a plaintiff personal injury listing by refusing to provide, or refusing to continue to provide, or otherwise interfering with the provision of health care services to the named person or to any member of the named person's family, or by any other manner of discrimination against such person in the provision of health services.

(b) Conspire with any subscriber or provider of health care services to retaliate against a person whose name is contained in a plaintiff personal injury listing by refusing to provide, or refusing to continue to provide, or otherwise interfering with the provision of health care services to the

named person or to any member of the named person's family or by any other manner of discrimination against such person in the provision of health services.

(c) Retaliate against a person whose name is contained in a plaintiff personal injury listing by refusing to enroll, insure, or allow to participate in any plan for the provision of health care services the named person or any member of the named person's family or by any other manner of discrimination against such person in the provision of health services.

(d) Violate or fail to comply with any other provision of section ninety-six or ninety-seven.

This section shall not be construed to prevent other acts or practices of a listing service or subscriber from being declared to be in violation of said chapter ninety-three A or of any other law.

In any action brought there shall be a presumption of retaliation upon a showing by the plaintiff that (a) his name was contained in a plaintiff personal injury listing, (b) said plaintiff sought services from a subscriber, and (c) said plaintiff was refused such services. This presumption may be rebutted by a showing by the defendant by a preponderance of the evidence that the plaintiff was refused such services for a valid business reason and not in whole or in part due to the appearance of the plaintiff's name in a plaintiff personal injury listing.

Section 99. Any person who is aggrieved as a result of a violation of sections ninety-six to ninety-eight, inclusive, or the attorney general, may bring an action for recovery of actual damages or one thousand dollars, whichever is greater, and other relief, including injunctive relief, civil penalties and attorney's fees as provided by chapter ninety-three A. Nothing in this section shall be construed to allow treble damages pursuant to chapter ninety-three A. Nothing in sections ninety-six to ninety-eight, inclusive, shall be construed so as to nullify or impair any other right or rights which a person may have against a subscriber or listing service at common law, by statute, or otherwise. The provisions of said sections ninety-six to ninety-eight, inclusive, are not exclusive and do not relieve the subscriber or listing services from compliance with all other applicable provisions of law.

Section 100. Any subscriber or listing service who violates any provision of sections ninety-six to ninety-eight, inclusive, or who shall counsel, aid or abet such violation, shall be liable for a civil penalty of not less than one thousand dollars nor more than five thousand dollars for each such violation, and other penalties as authorized pursuant to section four of chapter ninety-three A. The attorney general may file a civil action in the superior or district court in the name of the commonwealth to recover such penalties.

Approved December 2, 1987.

---

**ACTS, 1987. – Chap. 544.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 9 of chapter 129 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "hire", in line 7, the following words:– or boarded for a fee, or any licensed kennel where animals are boarded for a fee.

**SECTION 2.** Said section 9 of said chapter 129, as so appearing, is hereby further amended by inserting after the first sentence the following sentence:– Records of inspection made under authority of this section shall be filed with the office of the division of animal health, within the department of agriculture no later than three months after such inspection.

Approved December 2, 1987.

---

**Chapter 544. AN ACT RELATIVE TO THE OPERATION OF THE DEPARTMENT OF LABOR AND INDUSTRIES.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 23 of the General Laws is hereby amended by striking out section 6, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:–

Section 6. In all matters relating specifically to women and minors the assistant commissioner shall have and exercise such duties and authority as may be prescribed by the commissioner.

**SECTION 2.** Chapter 149 of the General Laws is hereby amended by striking out section 27A, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:–

Section 27A. Within five days from the date of the first advertisement or call for bids, two or more employers of labor, or two or more members of a labor organization, or the awarding officer or official, or five or more residents of the town or towns where the public works are to be constructed, may appeal to the commissioner or his designee from a wage determination, or a classification of employment as made by the commissioner, by serving on the commissioner a written notice to that effect. Thereupon the commissioner or his designee shall immediately hold a public hearing on the action appealed from. The commissioner or his designee shall render his decision not later than three days after the closing of the hearing. The decision of the commissioner or his designee shall be final and notice thereof shall be given forthwith to the awarding official or public body.

Approved December 2, 1987.

**Chapter 545. AN ACT DESIGNATING A PORTION OF THE STATE HIGHWAY ROUTE 9 IN THE TOWN OF LEICESTER AS THE HONORABLE ROBERT D. McNEIL MEMORIAL HIGHWAY.**

Be it enacted, etc., as follows:

That portion of the state highway, route 9, in the town of Leicester which runs westerly from 1749 Main street in said town, to the Spencer town line, shall be designated and known as the Honorable Robert D. McNeil Memorial highway, in memory of Robert D. McNeil, a former member of the house of representatives. Suitable signs bearing said designation shall be erected thereat by the department of public works in compliance with the standards of said department.

Approved December 2, 1987.

---

**Chapter 546. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF MANSFIELD AS THE JOHN D. PRESCOTT BRIDGE.**

Be it enacted, etc., as follows:

The bridge numbered M-3-31 on Barnes boulevard over interstate highway route 495 in the town of Mansfield, shall be designated and known as the John D. Prescott Memorial bridge in memory of John D. Prescott the last surviving veteran of World War I from said town. Suitable signs bearing such designation shall be erected thereat by the department of public works in compliance with the standards of said department.

Approved December 2, 1987.

---

**Chapter 547. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF MANSFIELD AS THE ROYAL B. PATRIQUIN JR. BRIDGE.**

Be it enacted, etc., as follows:

The bridge numbered M-3-33 on South Main street over interstate highway route 495 in the town of Mansfield shall be designated and known as the Royal B. Patriquin, Jr. Memorial bridge in memory of Royal B. Patriquin, of said town who was killed in action while a member of the armed forces of the United States during World War II. Suitable signs bearing such designation shall be erected thereat by the department of public works in compliance with the standards of said department.

Approved December 2, 1987.

**Chapter 548. AN ACT RELATIVE TO THE PROTECTION OF TENANTS AND PURCHASERS OF CONDOMINIUMS OR COOPERATIVE UNITS IN THE TOWN OF ACTON.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 128 of the acts of 1981 is hereby amended by striking out sections 1 to 6, inclusive, and inserting in place thereof the following seven sections:–

**Section 1.** As used in this act, the following words and phrases shall, unless the context clearly requires otherwise, have the following meanings:–

"Board", the board of selectmen of the town of Acton.

"Condominium unit", a unit in a housing condominium as that term is defined in chapter one hundred and eighty-three A of the General Laws.

"Cooperative unit", a unit in a housing cooperative as set forth in chapter one hundred and fifty-seven of the General Laws.

"Condominium or cooperative conversion eviction", an eviction of a tenant for the purpose of removing such tenant from a housing accommodation in order to facilitate the initial sale and transfer of legal title to that housing accommodation as a condominium or cooperative unit to a prospective purchaser or an eviction of a tenant by any other person who has purchased a housing accommodation as a condominium or cooperative unit when the tenant whose eviction is sought was a resident of the housing accommodation at the time the notice of intent to convert is given to convert the building or buildings to the condominium or cooperative form of ownership pursuant to section four; provided, however, that the eviction of a tenant for nonpayment of rent or other violation of a rental agreement shall in no event be deemed a condominium or cooperative conversion eviction.

"Elderly tenant", a tenant who is a person or group of persons residing in the same housing accommodation any of whom has reached the age of sixty-two years or over as of the date of receipt of the notice provided for hereunder.

"Handicapped tenant", a person entitled to occupy a housing accommodation who is physically handicapped as defined in section thirteen A of chapter twenty-two of the General Laws as of the date of receipt of the notice provided for hereunder.

"Housing accommodation", any building, structure, or part thereof of land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all services connected with the use or occupancy of such property, but not including (a) housing accommodation in a building containing four or fewer units; or (b) housing accommodation in a building containing five or fewer units, provided one unit is actually occupied by the owner thereof as his permanent residence.

"Lease", any rental housing agreement, written or implied between an owner or landlord and a tenant for use or occupancy of a housing accommodation.

"Low or moderate income tenant", a tenant who is a person or group of persons residing in the same housing accommodation so long as the total income for all such tenants for the twelve months immediately preceding the date of notice provided for hereunder is less than eighty per cent of the median income for the area set forth in regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to 42 USC 1437 et seq., and calculated pursuant to said regulations.

"Owner", any person who holds title to housing accommodations as herein defined, including, without limitation, any individual, corporation, trust or partnership.

"Remove from rental housing use", the sale of any housing accommodation as herein defined, existing on the effective date of this act, as a condominium or the sale of shares in cooperative authorizing the owner thereof to occupy a housing accommodation existing on the effective date of this act.

"Tenant", a person or group of persons collectively entitled to occupy a housing accommodation pursuant to a rental agreement written or implied.

Section 2. No owner, or person acting on behalf of or with the consent of an owner, shall remove from rental housing use any housing accommodation unless the board, after a hearing, grants such owner or person a permit.

Section 3. The board may promulgate regulations prescribing the form of applications for permits hereunder, and the procedure for notice and hearing on such applications, and may establish a fee for such permits, not to exceed fifty dollars per unit within the housing accommodations being converted. The board may impose appropriate conditions to effectuate the purpose of this act on the grant of any permit.

Section 4. (a) If an owner intends to remove from rental housing use any housing accommodation that is subject to the provisions of this act, the owner thereof shall give each tenant of all housing accommodations in such building or buildings, notice of intent to convert the building or buildings to the condominiums or cooperative form of ownership. Such notice shall state in clear and conspicuous language the following:

(i) that the owner intends to file a master deed at the Middlesex county registry of deeds or intends to file articles of organization with the secretary of the commonwealth.

(ii) that any tenant residing on the date the notice of intent is given in the building or buildings to be converted to the condominium or cooperative forms of ownerships shall have a period of time which shall be stated in the notice, from the date of receipt of such notice, as authorized by this act, before the tenant shall be required to vacate the housing accommodation occupied on the date the notice is received;

(iii) that any tenant residing on the date that notice of intent was given in the building or buildings to be converted shall have a period of time, which shall be stated in the notice, from the date of receipt of such notice, as authorized by this act, to purchase the unit occupied by the tenant on the date the notice is received on terms and conditions



which are substantially the same as or more favorable than those which the owner extends to the public generally for the ninety days following the expiration of said tenant's right to purchase as may be required by paragraph (b). All notices required under this section shall be deemed to have been given when a written notice is delivered in person or mailed by certified or registered mail, return receipt requested, to the party to whom the notice is being given.

Whenever an owner is required to give notice of intent provided for in this section, the period of notice shall not be less than the expiration of any written lease or agreement between the owner and the tenant of the housing accommodation which governs the use and occupancy of said housing accommodation or one year from the date the tenant of such housing accommodation is given said notice of intent, whichever is greater; provided, however, that in the case of housing accommodation occupied in whole or in part by a handicapped tenant or occupied by an elderly or low or moderate income tenant the period of notice shall not be less than two years from the date the tenant of such housing accommodation receives said notice of intent.

No person shall bring any action seeking a condominium or cooperative eviction until the expiration of the periods of time for notice to tenants specified in this act.

The burden of proving qualifications with respect to age, handicapped, and income shall rest with the tenant.

(b) Any owner of a housing accommodation who intends to convert such property to the condominium or cooperative form of ownership shall give to any tenant who is entitled to receive notice pursuant to this section the right to purchase the housing accommodation occupied by such tenant at the time such notice is delivered on terms and conditions which are substantially the same as or more favorable than those which the owner extends to the public generally for the ninety days following the expiration of said tenant's right to purchase. Such tenant may exercise the right to purchase such housing accommodations by executing a purchase and sales agreement prior to the expiration of ninety days after the date of receiving a copy of the purchase and sales agreement properly executed by the person offering the housing accommodation for sale.

(c) The owner of any housing accommodation that is converted to the condominium or cooperative form of ownership shall pay to any tenant who is entitled to receive a notice pursuant to this section and who does not purchase the housing accommodation which he occupies or another housing accommodation in the same building or buildings, relocation benefits for the actual, documented costs of moving, not to exceed seven hundred and fifty dollars per housing accommodation; provided, however, that if such housing accommodation is occupied in whole or in part by a handicapped tenant or is occupied by an elderly or low or moderate income tenant, the maximum relocation benefits shall not exceed one thousand dollars per housing accommodation. Such relocation benefits shall be payable within ten days after the date on which the tenant vacates the housing accommodation occupied by him; provided, however,

that no tenant shall be eligible for such relocation benefits unless all rent due and payable for said unit under the rental agreement or extension of such agreement, if any, has been paid by the tenant prior to the date on which the housing accommodation is vacated and only as long as the tenant voluntarily vacates the housing accommodation for which recovery of possession is sought, on or before the expiration of the notice period.

(d) Any owner of housing accommodations converted to the condominium or cooperative form of ownership shall assist elderly, handicapped and low or moderate income tenants, who qualify as such as of the date of receipt of the notice authorized pursuant to this section, in locating within the period of the notice of such tenants, comparable rental housing within the town of Acton which rents for a sum which is equal to or less than the sum which such tenant had been paying for the housing accommodation occupied at the time of receipt of the notice authorized by this section. The failure of the owner of such housing accommodation to find such substitute housing accommodation shall extend the period of notice for up to an additional two years.

(e) Any owner of residential property converted to the condominium or cooperative form of ownership shall give to any tenant who is entitled to receive a notice pursuant to this section an extension of the lease or rental agreement at the expiration thereof. Such extension, where required, shall be for such period or periods of one year or such fraction thereof as shall equal the period of notice to which such tenant is entitled pursuant to the provisions of this section. The provisions of such lease or rental agreement may not otherwise be modified by the property owner except with respect to the amount of annual rent, any increase in which shall not exceed an amount equal to the sum which would result by multiplying said rent by the percentage increase in the consumer price index for all urban consumers as published by the United States Department of Labor, Bureau of Labor Statistics, during the calendar year immediately preceding the date upon which such lease or rental agreement is commenced, or ten per cent, whichever is less; provided, however, that nothing herein shall limit the right of a property owner to any amounts which may be due under a valid tax escalation clause.

Section 5. The board shall grant a permit if it finds that:

(a) the owner has provided each tenant of all housing accommodations in such building or buildings intended to be converted to the condominiums or cooperative form of ownership, such notice, right to purchase, relocation benefits, assistance in locating comparable rental housing and appropriate provisions for extension of rental agreements as set forth in section four; and

(b) the owner has provided to the board a certification, stamped and signed by an independent registered engineer or architect licensed to practice in the commonwealth, that the housing accommodations which are intended to be converted to the condominium or cooperative form of ownership meet all applicable building and health codes of the town of Acton and of the commonwealth.

Section 6. Any owner who converts residential property in violation of

any provision of this act, shall be punished by a fine of not less than one thousand dollars or by imprisonment of not less than sixty days for each offense. Each unit converted in violation of this act and each month during which such unit is offered for sale or occupied without a permit hereunder shall constitute a separate offense.

Section 6A. The board or any person aggrieved by a failure to comply with this act may enforce its provisions through the district or superior courts. Said courts shall have jurisdiction over an action arising from any violation of this act, and shall have jurisdiction in equity to restrain any such violation.

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

Approved December 8, 1987.

---

**Chapter 549. AN ACT PROVIDING FOR THE MANAGEMENT OF LOW-LEVEL RADIOACTIVE WASTE.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 4G of chapter 7 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The following agencies are hereby declared to be within the executive office for administration and finance: the civil service commission; the municipal personnel advisory board; the Massachusetts commission against discrimination; the office of handicapped affairs; the finance advisory board; the retirement law commission; council on arts and humanities; the teachers' retirement board established by section sixteen of chapter fifteen; the board of economic advisors; the group insurance commission; and the low-level radioactive waste management board.

**SECTION 1A.** Chapter 10 of the General Laws is hereby amended by inserting after section 35G the following section:-

Section 35H. There is hereby established separate and apart from all public monies or funds of the commonwealth, a trust fund in the state treasury, known as the Low-Level Radioactive Waste Trust Fund, the proceeds of which shall be used to meet the obligations set forth in sections nine and forty-seven of chapter one hundred and eleven H. The fund shall consist of surcharges imposed as conditions of acceptance of low-level radioactive waste at a facility pursuant to section thirty-eight of said chapter one hundred and eleven H. The state treasurer, ex officio, shall be the treasurer of the fund. The books and records of the fund shall be subject to an annual audit by the state auditor.

**SECTION 2.** Section 13 of chapter 58, as appearing in the 1986

Official Edition, is hereby amended by inserting after the word "sixteen", in line 39, the words:- ; and of any land acquired by the low-level radioactive waste management board pursuant to paragraph (g) of section twenty-three of chapter one hundred and eleven H.

**SECTION 3.** Section five B of chapter one hundred and eleven of the General Laws is hereby repealed.

**SECTION 4.** Said chapter 111 of the General Laws is hereby further amended by inserting after section 5L the following four sections:-

Section 5M. As used in sections five M to five P, inclusive, or the rules and regulations adopted under said sections, the following words shall, unless the context clearly indicates otherwise, have the following meanings:-

"By-product material", any radioactive material, except special nuclear material, yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

"General license", a license effective under rules and regulations adopted by the department without the filing of an application with the department or the issuance of licensing documents to particular persons to transfer, acquire, own, possess or use quantities of, or devices or equipment utilizing radioactive material.

"Person", any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency of the commonwealth other than the department, any political subdivision of the commonwealth, any other state or political subdivision or agency thereof, and any legal successor, representative, agent or agency of the foregoing, but not including federal government agencies.

"Source material", uranium or thorium, or any combination thereof, in any physical or chemical form; or ores which contain by weight one-twentieth of one per cent or more of uranium, thorium, or any combination thereof. Source material does not include special nuclear material.

"Special nuclear material", plutonium, uranium 233, and uranium enriched in the isotope 233 or in the isotope 235, but not including source material; or any material artificially enriched by any of the foregoing, but not including source material.

"Specific license", a license, issued to a named person upon application filed under the rules and regulations adopted by the department, to use, manufacture, produce, transfer, receive, acquire, or possess quantities of, or devices or equipment utilizing, radioactive material.

Section 5N. Except as otherwise provided in this section, the department is hereby designated as the state radiation control agency. The department shall develop and, from time to time, after a public hearing, prescribe and establish rules and regulations, compatible or consistent, whichever appropriate, with federal rules and programs, necessary to implement a program for the evaluation and control of the

radioactive hazards of radioactive materials and of machines which emit ionizing and nonionizing radiation and for the issuance, amendment, suspension and revocation of general and specific licenses for by-product, source and special nuclear material or devices or equipment utilizing such material, for the purpose of protecting the general public and individuals against hazards associated with the possession, use, transportation, storage, packaging, sale, distribution, production, and disposal thereof. The department may also require registration of other sources of ionizing and nonionizing radiation and may exempt certain sources of radiation or kinds of uses of users from the licensing or registration requirements established under this section where it determines that the exemption of such sources of radiation or kinds of use or users will not constitute a significant risk to public health or safety. The programs of the department established pursuant to this section shall be compatible with federal programs for regulation of by-product, source and special nuclear materials and consistent with federal programs for regulation of radiation generating equipment. The rules and regulations of the department shall not limit the kind and amount of radiation that may be intentionally administered by a person licensed to so administer radiation under the laws of the commonwealth. Such rules and regulations shall be filed with the state secretary at least thirty days prior to their effective date and shall become effective thirty days thereafter unless a later effective date is specific by the department.

Nothing in this section shall prevent the department of labor and industries from establishing rules and regulations for the protection of the health and safety of employees against ionizing radiation in any place of employment as defined in section one of chapter one hundred and forty-nine. Said department of labor and industries shall consult with the department of public health at least thirty days prior to the adoption or modification of any rules or regulations insofar as they pertain to the health aspects of ionizing and nonionizing radiations.

The department of public health shall establish rules and regulations of the commonwealth insofar as they pertain to the health aspects of ionizing and nonionizing radiation. Such rules and regulations shall apply exclusively throughout the commonwealth.

The duly authorized inspectors of the department shall have the power to enter at all reasonable times upon any private or public property subject to its jurisdiction for the purpose of determining whether there is compliance with or violation of sections five N to five P, inclusive, or any rule, regulation, license, registration or order adopted or issued thereunder.

Section 5 O. The department may issue notices of violation and orders as are necessary to enforce the provisions of sections five N to five P, inclusive, or any rule, regulation, license or registration adopted or issued under such sections. Such orders may include, but not be limited to, orders modifying, suspending or revoking licenses or registrations and orders requiring persons to cease any activity that is in violation of the provisions of said sections five N to five P, inclusive, or any rule,

regulation, license or registration adopted or issued by the department under said sections. Such orders may include, but not be limited to, orders modifying, suspending, revoking licenses or registrations and orders requiring persons to cease any activity that is in violation of the provisions of said sections five N to five P, inclusive, or any rule, regulation, license or registration adopted or issued under said sections. Orders shall be issued after notice and an opportunity for a hearing except where public health, safety or the environment would be threatened by delay in the issuance of an order; in such circumstance, an opportunity for hearing shall be provided promptly after the issuance of such order.

If the department finds, after a notice has been issued and an opportunity for a hearing has been provided, that a person is not in compliance with an order issued pursuant to this section, or with any provision of section five N or section five P or any such sections rule, regulation, license or registration adopted or issued under, the department may assess civil penalties in an amount not exceeding one hundred thousand dollars per violation. Such civil penalty may be assessed whether or not the violation was willful.

In determining the amount of the civil penalty, the department shall consider the willfulness of the violation, the actual and potential danger or injury to the public health or the environment; the actual and potential cost of such damage or injury; the actual or potential danger or injury to the public health or the environment; the actual and potential cost of such damage or injury; the actual or potential cost to the commonwealth of enforcing the provisions of this chapter; whether the person being assessed the civil penalty did everything reasonable to prevent the failure to comply from occurring, to come into compliance promptly, and to remedy and mitigate whatever harm might have been done as a result of the failure to comply; whether the person being assessed the civil penalty has previously failed to comply with any other order issued pursuant to said sections five N to five P, inclusive, or any rule or regulation adopted by the department thereunder; making compliance less costly than noncompliance; deterring future noncompliance; the financial condition of the person being assessed the civil penalty; and the public interest.

The supreme judicial court or superior court, upon application of the department, or upon application of any party interested, with the approval of the department, may enforce the provisions of said sections five N to five P, inclusive, and any rule or regulation, license, registration or order adopted or issued thereunder by the department, when said court determines that any person has engaged in, or is about to engage in any act or practice which constitutes or will constitute a violation of such provision, rule, regulation, license, registration or order, and may restrain such act or practice or the use or occupation of premises or such parts thereof as the department may specify until such provision, rule, regulation, license, registration or order have been complied with.

Section 5P. It shall be unlawful for any person to use, manufacture,

produce, transfer, receive, acquire, own, or possess any source of radiation unless licensed, registered or exempted from licensing or registration requirements by the department pursuant to section five N. Any person who violates said section five N or five O, or any rule, regulation, license, registration or order adopted or issued under said section five N or five O shall be fined not less than one hundred nor more than two thousand dollars, or be imprisoned for a period of not more than two years, or both. Any person who continues to violate the provisions of this section after due notice by the department shall be fined not less than one thousand nor more than twenty thousand dollars or be imprisoned for a period of not more than twenty years, or both. After due notice has been issued by the department, each day of such violation shall constitute a separate offense.

**SECTION 5.** The General Laws are hereby further amended by inserting after chapter 111G the following chapter:–

CHAPTER 111H.

MASSACHUSETTS LOW-LEVEL RADIOACTIVE  
WASTE MANAGEMENT ACT.

Section 1. As used in this chapter, the following words shall, unless the context clearly indicates otherwise, have the following meanings:–

"Affected community", a community, other than a site community, which is identified in an environmental impact report prepared pursuant to section thirty, and can be expected to experience significant impacts as a result of the location, development, operation, closure, post-closure observation and maintenance or institutional control of a facility.

"Board", the low-level radioactive waste management board established in section two which shall be responsible for planning and effecting the management of low-level radioactive waste in the commonwealth in accordance with the provisions of this chapter.

"Broker", a person engaged in the business of arranging for the collection, transportation, treatment, storage or disposal of low-level radioactive waste.

"Candidate site", a site, identified in accordance with the procedures established in section twenty, which will be the subject of detailed site characterization as part of the process to select any superior site.

"Candidate site community", a community in which is located all or any part of a candidate site.

"Chief executive 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 chairman of the board of selectmen in any other town.

"Citizens advisory committee", the committee established pursuant to section thirty and the regulations adopted by the executive office of environmental affairs to facilitate public participation in the evaluation and review of the environmental impacts of a facility prior to licensing.

"Closure", the permanent termination of low-level radioactive waste acceptance at a facility, including closure prior to the scheduled closing date, and the implementation of a closure plan.

"Closure plan", the plan, required as a condition of a facility license, prepared pursuant to regulations adopted under section sixteen, to assure safe facility closure after operation.

"Community", a city or town of the commonwealth.

"Community compensation", any money, thing of value or economic benefit conferred by an operator or the board on any site or neighboring community under the terms and conditions specified in a comprehensive operating contract executed pursuant to section thirty-three.

"Community supervisory committee", a committee, established pursuant to section twenty-one, to facilitate the participation of a community, in which a candidate site is located, in the activities established by this chapter.

"Comprehensive operating contract", a contract entered into by an operator and the board pursuant to section thirty-three which specifies the community compensation to be provided by the operator or the board.

"Contingent liability account", an account within the Low-Level Radioactive Waste Trust Fund established in section forty-one for the purpose of compensating for injuries to persons, land or property, pursuant to section nine, if no other funds, insurance, tort compensation or other means of satisfying a damage judgment or settlement are available.

"Detailed site characterization", the on-site investigatory and analytical step of site selection established in section twenty-three and conducted prior to the selection of any superior site.

"Development", all activities undertaken with respect to a low-level radioactive waste facility during the period commencing with the selection of any superior site pursuant to section twenty-three and continuing until the commencement of facility operation pursuant to section thirty-nine.

"Development contract", a contract entered into by an operator and the board pursuant to section twenty-eight under which such operator shall be obligated to fulfill all of the requirements of the facility approval process established pursuant to sections twenty-nine through thirty-four inclusive.

"Disposal", the isolation of low-level radioactive waste from the biosphere inhabited by human beings and their food chains.

"Environmental monitoring program", a monitor program established by the department of public health, after consultation with the department of environmental quality engineering and the board of health of each site community, pursuant to section thirty-six for the purpose of collecting and analyzing environmental data prior to construction and throughout the construction, operation, closure, post-closure observation and maintenance and institutional control of a facility.

"Facility", a parcel of land, together with the structures, equipment and improvements thereon or appurtenant thereto, which, pursuant to this chapter, is being developed, is used, or has been used for the



treatment, storage or disposal of low-level radioactive waste; but does not include any property used for temporary storage of low-level radioactive waste in sealed containers by a broker.

"Facility license", a license to operate a facility issued by the department of public health pursuant to section thirty-one.

"Generator", a person, including a broker, who produces low-level radioactive waste.

"Half-life", the time in which half the atoms of a particular radioactive substance disintegrate to another nuclear form.

"Institutional control", the continued observation, monitoring, and care of a facility following transfer of the facility license from the operator to the board.

"Institutional control account", an account within the Low-Level Radioactive Waste Trust Fund established in section forty-one for the purpose of paying institutional control costs pursuant to sections nine and forty-seven.

"Low-level radioactive waste", radioactive material that (1) is neither high-level waste, nor spent nuclear fuel, not by-product material as defined in section 11(e)(2) of the Atomic Energy Act of 1954, as amended, 42 USC Section 2014(e); and (2) is classified by the Federal Government as low-level radioactive waste, but not including waste which remains a federal responsibility, as designated in section 3(b) of the Low-Level Radioactive Waste Policy Act, as in effect as of the effective date of this chapter, as amended, 42 USC Section 2021c(b).

"Low-level Radioactive Waste Trust Fund", a trust fund established pursuant to section thirty-five H of chapter ten which shall consist of surcharges collected from users of the low-level radioactive waste facility in an amount determined by the board on an annual basis, which shall be used to meet the obligations set forth in sections nine and forty-seven.

"Management", the storage, packaging, treatment, transportation, or disposal, where applicable, of low-level radioactive waste.

"Management plan", the low-level radioactive waste management plan adopted by the board pursuant to section twelve to provide for the safe and efficient management of low-level radioactive waste.

"Neighboring community", a community, other than a site community, which, according to the most recent decennial census conducted pursuant to section seven of chapter nine, has at least twenty per cent of its population residing within three miles of any superior site.

"Operator", a person designated in accordance with the procedures established in section twenty-two and twenty-seven to develop and operate a low-level radioactive waste facility.

"Operation", the control, supervision or implementation of the actual physical activities involved in the acceptance, storage, treatment, disposal or monitoring of low-level radioactive waste at a facility and the maintenance of the facility and any other responsibilities of operation pertaining to the facility.

"Person", any agency or political subdivision of the federal

government or the commonwealth, or of any state, any public or private corporation or authority, individual, firm, joint stock company, partnership, association, trust, estate, institution or other entity, and any officer, employee or agent of such person, and any group of such persons.

"Possible location", a location, identified in accordance with the procedures established in section twenty, which will be the subject of preliminary characterization.

"Post-closure observation and maintenance", the active monitoring and maintenance of a facility which has been closed in preparation for transfer of the facility's license from the operator to the board.

"Preliminary characterization", the investigatory and analytical step established in section twenty, and conducted prior to the identification of candidate sites.

"Professional training", the level of academic or on-the-job training generally recognized as adequate to qualify a person to be employed in a discipline.

"Public meeting", a public hearing, satisfying the requirements of section two of chapter thirty A, in which an agency presents information, responds to inquiries and hears testimony of interested persons.

"Shallow land burial", a land disposal method that relies on the site's natural characteristics as the primary barrier for isolation of the waste.

"Site community", the community in which is located all or any part of any superior site.

"Source minimization", minimizing the volume of radioactivity of low-level radioactive waste prior to its generation by such methods as: (1) avoiding unnecessary contamination of items during the use of radioactive materials; (2) carefully segregating radioactive waste from non-radioactive trash; or (3) substituting non-radioactive isotopes or radioisotopes with shorter half-lives where practicable.

"Storage", the holding of low-level radioactive waste for treatment or disposal.

"Storage for decay", a procedure in which low-level radioactive waste with a relatively short half-life is held for natural radioactive decay in compliance with applicable federal and state regulations.

"Superior site", any site selected by the board, after detailed site characterization, pursuant to section twenty-three.

"Temporary closure", the nonpermanent termination of low-level waste acceptance at a facility prior to its scheduled closing date.

"Treatment", any method, technique, or process, including source minimization, volume minimization and storage for decay, designed to change the physical, radioactive, chemical or biological characteristics or composition of low-level radioactive waste in order to render such waste safer for management, amenable for recovery, convertible to another usable material or reduced in volume.

"Volume minimization", treatment of low-level radioactive waste after its generation in order to minimize the physical dimensions of the waste and the space required for disposal.

"Waste management area", that portion of a facility where low-level radioactive waste has been, is being or will be treated, stored or disposed of.

Section 2. (a) There is hereby established within the executive office for administration and finance, the low-level radioactive waste management board. The board shall be responsible for planning and effecting the management of low-level radioactive waste in the commonwealth in accordance with the provisions of this chapter.

(b) The board shall consist of nine members appointed by the governor, one of whom shall be the secretary of the executive office of environmental affairs and one of whom shall be the secretary of the executive office of human services or their designees; provided, however, that no such designee may be an employee of the department of public health or the department of environmental quality engineering. The remaining members of the board will be appointed by the governor from lists of candidates whose experience, background and professional training indicates that they can act in the public interest as follows: one of whom shall have professional training and experience in public administration shall be appointed from lists of nominees submitted by organizations with statewide membership that have demonstrated an interest in public or municipal management; one of whom shall have professional training and experience in engineering shall be appointed from lists of nominees submitted by organizations with statewide membership that have demonstrated an interest in engineering; one of whom shall have professional training and experience in a radiological health field shall be appointed from lists of nominees submitted by organizations with statewide membership that have demonstrated an interest in radiological health; one of whom shall have professional training and experience in business management shall be appointed from lists of nominees submitted by organizations with statewide membership that have demonstrated an interest in business management; and three of whom shall have professional training and experience in environmental protection shall be appointed from lists of nominees submitted by environmental organizations with statewide membership that have demonstrated an interest in low-level radioactive waste management. The governor shall make the initial appointment of such membership by November thirtieth, nineteen hundred and eighty-seven and shall make subsequent appointments no more than sixty days after a vacancy occurs, but shall not appoint any particular member unless at least three nominations have been submitted by appropriate organizations; provided, however, that additional members shall be appointed to the board upon the selection of a superior site as follows: the chief executive officer of each site community in which is located a facility that is in development, operation, closure, post-closure observation and maintenance or institutional control pursuant to this chapter, shall appoint a community resident to serve as a member of the board; and provided, further, that if there is only one site community in the commonwealth, the chief executive officer of the neighboring community having the greatest population residing within three miles of

the superior site, shall also appoint a community resident to serve as a member of the board, but, if no community is eligible for such appointment, the chief executive officer of the site community shall appoint a second community resident to serve as a member of the board.

Section 3. (a) Except as hereinafter provided, each member of the board shall serve for a term of seven years. Board members initially appointed shall serve as follows: the public administration member shall serve for a term of three years; provided, however, that the appointment of a public administration member to succeed the initial public administration member shall serve for a term of five years; of the three environmental protection members, one shall serve for a term of three years, one shall serve for a term of four years, and one shall serve for a term of five years; provided, however, that the appointment of an environmental protection member to succeed the environmental protection member appointed for a term of three years, shall serve for a term of six years; the engineering member shall serve for a term of six years; the business management member shall serve for a term of seven years; and provided further, that the term of each initial member appointed to the board shall expire on the first day of July in the year following the respective terms of appointment.

(b) Members appointed by the chief executive officer of a site or neighboring community shall serve at the pleasure of such chief executive officer, provided, however, that the terms of office of such members shall expire upon the decision of the board to terminate development of a facility at a superior site or upon termination of institutional control of the facility at the superior site pursuant to section forty-seven.

(c) Except as otherwise provided in this chapter, board actions shall require a majority vote of its members. A roll call vote shall be required upon request of any member. The governor shall appoint the initial board chairperson from among the members of the board who shall serve as chairperson until the first day of July next following such appointment. Thereafter, the board shall annually elect a chairperson from among its members. Board members not otherwise employed by the commonwealth shall each receive fifty dollars for each day or part thereof for their services, and all members shall be reimbursed by the commonwealth for all reasonable expenses actually and necessarily incurred in the performance of their official duties.

(d) The board shall meet at least monthly and shall also meet upon the call of the chairperson or a majority of its members. All meetings of the board shall be conducted in accordance with the provisions of section eleven A and one-half of chapter thirty A.

Section 4. (a) The board shall have the following powers and duties:

(1) to take any action authorized by this chapter either directly or through, or by means of, its own officers, agents or employees, or by contract with any person, including, but not limited to, the adoption of a management plan pursuant to section twelve; the adoption of regulations governing the selection of operators pursuant to section fifteen; the certification of any operator applicants, pursuant to section twenty-two,

who satisfy the board's regulatory criteria; the selection of any superior site pursuant to section twenty-three; the execution of a comprehensive operating contract pursuant to section thirty-three; the approval of a schedule of fees and waste acceptance criteria submitted by any operator, pursuant to section thirty-eight; the administration of the Low-level Radioactive Waste Trust Fund established in section forty-one; and the acceptance of the transfer of any facility license from the operator at the commencement of institutional control of the facility pursuant to section forty-six;

(2) to adopt such regulations as are necessary to accomplish the purposes of this chapter, including regulations governing its procedures;

(3) to call to its assistance and avail itself of the services of such employees of any federal, state, county or municipal department, board, commission, or agency as may be required and made available;

(4) to adopt regulations governing its use of consultant services, and the use of consultant services by community supervisory committees established pursuant to this chapter, which shall establish the rate of compensation for such services; provide for the prior approval by the board, of any such services for which no rate has previously been established by regulation; and require, at a minimum, that any such consultant shall satisfy the standards of conduct provided in section twenty-three of chapter two hundred and sixty-eight A; provided, however, that, except as provided in this section, such regulations shall be consistent with the regulations of the commissioner of administration adopted pursuant to section twenty-nine A of chapter twenty-nine unless the board determines that an inconsistent regulation is necessary to accomplish the purposes of this chapter;

(5) to adopt regulations governing the provision of technical assistance and planning funds to enable community supervisory committees to be established and to participate in the activities established by this chapter;

(6) to conduct continuing public participation and informational programs in accordance with section six;

(7) subject to the provisions of this section, to accept, receive, utilize, and dispose, for any of its purposes and functions, any and all donations, loans, grants or reimbursements of money, equipment, supplies, materials, and services, conditional or otherwise, including any payments made pursuant to section 5(d) of the Low-Level Radioactive Waste Policy Act, as amended 42 USC section 2021e(d), from any state or the United States or agency or political subdivision thereof, or interstate agency, or from any person;

(8) to acquire, by purchase or eminent domain, through the division of capital planning and operations, such interests in land as are necessary to conduct site selection activities pursuant to sections twenty and twenty-three or develop a facility at any superior site selected pursuant to said section twenty-three;

(9) to issue annually, no later than November thirtieth, a report of its activities, which shall be transmitted to the clerk of the senate, the clerk of the house of representatives, the governor, and the chief

executive officer of each site, neighboring and affected community, and shall include:

(A) a list of the time, location and subjects of all meetings and adjudicatory proceedings conducted during the year and the minutes thereof;

(B) a list and description of regulations adopted during the year;

(C) a description of all activities undertaken pursuant to sections eighteen to twenty-three, inclusive, during the year;

(D) the most recent management plan adopted by the board; and

(E) a list of any reports prepared during the year; and

(10) to prepare and submit to the commissioner of administration an estimate, required to be filed under section three of chapter twenty-nine, of the amount required for the maintenance of the board, including any costs of providing funds to community supervisory committees pursuant to section twenty-one.

(b) The board shall establish regulations for the acceptance of donations, loans, grants of money, equipment, supplies, materials, and services. The nature, amount and conditions, if any, attendant upon any donation, loan, or grant accepted pursuant to this section, together with the identity of the donor, grantor, or lender, shall be made public. No donor, lender, or grantor shall derive any advantage in any proceeding before the board by reason of such donation, loan or grant.

Section 5. The board, after an open and competitive selection process, shall appoint a full-time executive director based on demonstrated competence. The executive director shall serve at the pleasure of the board and may appoint, discharge, contract for, compensate, or otherwise provide for such additional staff and consultants, as he determines necessary to carry out the board's duties and functions; provided, however, that the appointment of principal staff must be approved by a majority vote of the board. The executive director shall be the chief administrative officer of the board. Except where a vote of the board is required by this chapter, the board may delegate to the executive director full authority to carry out its duties and functions, subject to such conditions and instructions as the board may deem appropriate.

Section 6. The executive director, after an open and competitive selection process, shall appoint a full-time public participation coordinator based on demonstrated competence subject to approval by a vote of the board. The public participation coordinator's duties shall include:

(a) to encourage and facilitate the participation of interested persons in all of the processes established in or pursuant to this chapter;

(b) to make recommendations to the board, the department of public health and the department of environmental quality engineering concerning the implementation of programs to assure appropriate public participation in the processes established in or pursuant to this chapter;

(c) to publicize throughout the commonwealth the management plan adopted pursuant to section twelve, all plans for the selection of any superior site or for the selection of an operator, and any proposals for

the development, operation and closure of facilities in order to inform the public and to encourage and facilitate the participation of interested persons in such selection procedures, in environmental review and licensing proceedings, and in the review of facility operations; and

(d) to publicize throughout the commonwealth and to conduct continuing public informational programs on the use of radioactive materials, the nature and characteristics of low-level radioactive waste, current and developing technologies, and the hazards associated with low-level radioactive waste and the improper management thereof; provided, however, that, in establishing and conducting such programs, the public participation coordinator shall obtain the advice and assistance of an advisory board to be composed of members representing the range of public opinion concerning low-level radioactive waste or its management and invite the participation of persons representing such range of public opinion.

Section 7. (a) For the purpose of ensuring the accuracy and completeness of the low-level radioactive waste management plan or of determining compliance with this chapter or any regulations adopted hereunder, each person who generates, treats, stores, transports or disposes of low-level radioactive waste within the commonwealth shall annually, and at such other times as requested by the department of public health, provide detailed and accurate information concerning the type, volume, radioactivity, source and characteristics of the low-level radioactive waste which such person generates, treats, stores, transports or disposes of; as well as such person's current and projected low-level radioactive waste management activities, including source minimization, volume minimization, on-site storage, treatment, packaging and transportation practices and such other information as the board or the department of public health deems necessary. The duly authorized inspectors of said department may, at all reasonable times, enter and examine any property, facility, or activity involving the management of low-level radioactive waste. The owner, operator and other person in charge of the property, facility, or activity, shall afford such inspectors unfettered access, equivalent to access provided to persons regularly employed at such property, facility or activity, following proper identification and compliance with applicable access control measures for security, radiological protection and personal safety. Such inspectors are authorized to make such inspections, conduct such tests, reviews, studies, monitoring, or sampling or examine books, papers and records as said department deems necessary for the administration or enforcement of this chapter.

(b) Notwithstanding the provisions of any general or special law to the contrary, any information, record or particular part thereof, obtained by the department of public health pursuant to the provisions of this chapter, shall, upon request by the owner or proprietor thereof, be kept confidential and not be considered to be a public record when it is determined by said department that such information, record, or report, relates to secret processes or methods of manufacture or production, or that such information, record or report, if made public, would divulge a

trade secret. Nothing in this section shall prevent use of such information in the preparation of the management plan, or of any summary or statistical compilation of information obtained by said department.

(c) All procurement activities and all payments made under contracts entered into pursuant to this chapter including any development contract and any comprehensive operating contract, shall be deemed to be within the jurisdiction of the office of the inspector general in accordance with chapter twelve A.

Section 8. (a) The department of public health may issue orders as are reasonably necessary for the enforcement of the provisions of this chapter. Such orders may include, but not be limited to orders modifying, suspending, or revoking licenses and orders requiring persons to cease any activity that is in violation of the provisions of this chapter or of any regulation adopted or facility license issued hereunder. Such orders shall be issued after notice and an opportunity for hearing except where public health, safety or the environment would be threatened by delay in the issuance of such order. In such circumstance, an opportunity for hearing shall be provided promptly after issuance of such order.

(b) If the department of public health finds, after notice and an opportunity for a hearing has been provided, that any person is not in compliance with any order issued pursuant to this section, or with any provision of this chapter or any regulation adopted hereunder, it may assess civil penalties in an amount not exceeding one hundred thousand dollars for each such violation. Such civil penalty may be assessed whether or not the violation was willful. In determining the amount of the civil penalty, the said department shall consider the willfulness of the violation; the actual and potential danger or injury to the public health or the environment; the actual and potential cost of such damage or injury; the actual and potential cost to the commonwealth of enforcing the provisions of this chapter; whether the person being assessed the civil penalty did everything reasonable to prevent the failure to comply from occurring, and to promptly come into compliance, and to remedy and mitigate whatever harm might have been done as a result of the failure to comply; whether the person being assessed the civil penalty has previously failed to comply with any order issued pursuant to this section, or with any provision of this chapter or any regulation adopted hereunder; making compliance less costly than noncompliance; deterring future noncompliance; the financial condition of the person being assessed the civil penalty; and the public interest.

(c) In addition to assessing civil penalties under this section, the department of public health may request the attorney general to bring an action in the superior court to restrain, prevent or enjoin any conduct prohibited by this chapter and to compel action to comply immediately and fully with any order issued by the department. The expense of the proceedings shall be recoverable from the violator in such manner as provided by law.



(d) It shall be unlawful for any person to willfully:

(1) violate or assist in the violation of any of the provisions of this chapter or of any regulations adopted hereunder;

(2) fail to comply with any order issued by the department of public health pursuant to this section;

(3) attempt to obtain a license by misrepresentation or failure to disclose all relevant facts.

(e) Any person convicted of unlawful conduct as defined in this section shall, for each offense, pay a fine of not less than one thousand nor more than twenty thousand dollars; or be imprisoned for a period of not more than twenty years; or both. Each day of continued violation of any provision of this chapter or of any regulation adopted or order issued hereunder shall constitute a separate offense.

Section 9. (a) It shall be the responsibility of the operator to take all appropriate steps to clean up and stabilize the facility and to contain migration of low-level radioactive waste or associated toxic materials, whenever there has been or impends a release of such materials at the facility during its operation, closure or post-closure observation and maintenance. The board shall ensure that the operator has sufficient funds to satisfy this responsibility. The board shall have such responsibility during the period of institutional control and shall utilize sums from the institutional control account within the Low-Level Radioactive Waste Trust Fund established pursuant to section forty-one to satisfy this responsibility. If all other sources of funds, including federal assistance, have been exhausted, the commonwealth shall provide the reasonable costs of clean-up and stabilization of a facility.

(b) Except as otherwise provided in this section, any person who carries on any activity involving the management of low-level radioactive waste shall be subject to strict liability for harm to persons, land or property resulting from such activity when caused by any release of, or exposure to, such waste or associated toxic materials. Such liability may be joint and several unless such person establishes by a preponderance of the evidence that only a portion of such harm has resulted from such activity. No claim for such harm may be made against the operator after a facility's license has been transferred to the board pursuant to section forty-six, unless the operator has willfully misrepresented the conditions of the facility at the time of such transfer or fraudulently concealed information about the facility or its operations.

(c) Notwithstanding the provisions of this section, the board, community supervisory committees, the department of public health, the department of environmental quality engineering and the deputy commissioner of the division of capital planning and operations shall be subject to liability for harm to persons, land or property resulting from the management of low-level radioactive waste only in accordance with the provisions of chapter two hundred and fifty-eight; provided, however, that the amount of damages for which liability may be imposed shall not be subject to the limit provided in section two of said chapter two hundred and fifty-eight. Notwithstanding any limitation contained in said chapter two hundred and fifty-eight, but in accordance with the

procedures established therein, the board shall be subject to liability for harm to persons, land or property which may occur after the board assumes its responsibility for institutional control of the facility pursuant to section forty-six, or from the negligence of any employee of the board in the institutional control of the facility.

(d) The board shall ensure that the operator has sufficient funds to satisfy its liabilities under this section, and for the compensation of injured facility employees. The board shall utilize sums from the institutional control account established in section forty-one to ensure the availability of funds to satisfy its liabilities under this section for which claims are made during the period of institutional control; provided, however, that the funds available to satisfy such liabilities from third party claims shall be at least equal to the maximum amount available from the nuclear insurance pools or other commercial insurers.

(e) If no other funds, insurance, tort compensation or other means of satisfying a damage judgment or settlement, approved by a court of competent jurisdiction, are available, the contingent liability account established in section forty-one shall be utilized to compensate for injuries to persons or property resulting from the management of low-level radioactive waste or the institutional control of a facility.

(f) The commonwealth shall provide compensation for harm to persons, land or property which may occur after the board assumes its responsibility for institutional control of the facility pursuant to section forty-six, only, if all other sources of funds, including federal assistance, have been exhausted.

Section 10. Planning for low-level radioactive waste management shall be conducted, subject to appropriation, in accordance with sections eleven to seventeen, inclusive, which shall be known and cited as "Phase I of the Low-Level Radioactive Waste Management Act". The provisions of such sections shall be implemented so as to require appropriate source minimization, volume minimization and storage for decay; to require a comprehensive management plan, an appropriate determination of need, and adequate regulatory controls and site selection criteria prior to the initiation of site selection; and to prohibit shallow land burial.

Section 11. (a) The adoption of a management plan under section twelve the adoption of regulations for source minimization, volume minimization and storage for decay under section thirteen, the adoption of regulations for the selection of any superior site under section fourteen the adoption of regulations for operator selection under section fifteen and the adoption of regulations for the licensing of any facility under section sixteen shall be in accordance with the procedures set forth in this section. The recommendations of the public participation coordinator, made pursuant to section six, shall be implemented to the extent feasible in order to ensure appropriate public participation during the development of such plans and regulations; to ensure that adequate information concerning such plans and regulations is available; to facilitate the conduct of public meetings and other opportunities for public review and comment; and to ensure that public concerns are identified and addressed throughout the development of such plans and regulations.

(b) No fewer than four months prior to the initial adoption of a management plan pursuant to section twelve and the initial adoption of regulations under section thirteen to sixteen, inclusive, the responsible agencies shall issue drafts of such management plan and regulations, together with summaries thereof, for public review and comment. No fewer than thirty days and no more than ninety days after the issuance of such drafts, the responsible agencies and the public participation coordinator shall jointly conduct a minimum of six consolidated public meetings throughout the commonwealth on the drafts and shall accept written comments thereon. Such consolidated public meetings shall be conducted at times and locations to be agreed by the responsible agencies and the public participation coordinator.

(c) The management plan and any regulations adopted under any of sections thirteen to sixteen, inclusive, shall be adopted in accordance with the requirements of sections two to six, inclusive, of chapter thirty A; provided, however, that a public hearing satisfying the requirements of section two of said chapter thirty A shall be required prior to the adoption, amendment or repeal of the management plan or any such regulation.

(d) The initial management plan developed under section twelve and the initial regulations developed under sections thirteen to sixteen, inclusive, shall be adopted by January first, nineteen hundred and eighty-nine.

Section 12. (a) The board shall prepare, adopt by regulation, and implement a management plan to provide for the safe and efficient management of low-level radioactive waste. The primary consideration guiding the development of the management plan shall be the protection of public health, safety and the environment. The management plan shall be reviewed annually and revised as necessary.

(b) The management plan shall include, but not be limited to:

(1) a classification system, compatible with federal requirements and the regulations adopted by the department of public health under section sixteen, for all low-level radioactive waste generated, treated or disposed of in the commonwealth, based primarily on its radiological toxicity an radioactive half-life and also on the principal radionuclides present in the waste and their concentrations; its specific radioactivity; its chemical and biological toxicity and form; its chemical reactivity; its volume and such other characteristics as the board deems necessary to determine which classes of low-level radioactive waste may be stored for decay, which classes of low-level radioactive waste which will require disposal and which classes will require special management procedures in order to facilitate the safe and timely closure, post-closure observation and maintenance and institutional control of the facility accepting such low-level radioactive waste;

(2) a review and analysis of current and developing low-level radioactive waste management technologies and practices, including their potential public health, safety and environmental impacts; their cost-effectiveness; their climatic, geologic, hydrogeologic, or other requirements; and their suitability for the low-level radioactive waste

managed within the commonwealth; and any recommendations for regulatory or other actions to improve the safety or efficiency of such technologies and practices, and to ensure that the value of property in the vicinity of any facility is maintained;

(3) an inventory of all generators located in the commonwealth or whose low-level radioactive waste is to be accepted for treatment, storage or disposal within the commonwealth, including information on their location, products, services, clinical procedures, and teaching or research activities and an evaluation of the economic benefit to the commonwealth of such products, services and activities; the volume, characteristics and curies of their current and projected generation of low-level radioactive waste in compliance with any regulations adopted by the department of public health pursuant to section thirteen; and their current and projected low-level radioactive waste management activities including source minimization, volume minimization, on-site storage, treatment, packaging and transportation practices;

(4) an inventory of all facilities within or outside the commonwealth under development or available to accept low-level radioactive waste generated within the commonwealth, including information on their location, size and capacity, and on the volume, characteristics and curies of the low-level radioactive waste accepted or to be accepted at such facilities; and projections of the anticipated future capacity and availability of such facilities to meet future needs;

(5) a finding as to whether there is a requirement for additional facility capacity to meet present low-level radioactive waste management needs or needs anticipated to arise within the next decade, a specification of the volumes and classifications of low-level radioactive waste to be accepted during operation of such a facility and the minimum land area requirement of such a facility, and a statement of the factual basis of such finding and specification;

(6) a review and analysis of proposals for, and the utilization of, all low-level radioactive waste transportation routes, practices, regulations and emergency response and enforcement capabilities employed within the commonwealth;

(7) a report of all facilities in operation, temporary closure, closure, post-closure observation and maintenance or institutional control including the results of the most recent financial audit of each facility conducted by the state auditor pursuant to section thirty-eight; an analysis of fees being collected by the operator to demonstrate the financial integrity of its operation; the expected availability of sufficient funds to carry out facility closure and post-closure observation and maintenance; the expected adequacy of the contingent liability account and institutional control account within the Low-level Radioactive Waste Trust Fund established in section forty-one; based on the annual report of the environmental monitoring program, issued pursuant to section thirty-six; a summary of procedures used to monitor each facility, the principal findings made concerning the facility and a detailed account of any release at the facility of radioactive or toxic materials into the workplace or the environment, including the measures

taken to contain or remedy such release; and the facility closure plan prepared pursuant to regulations adopted under section sixteen;

(8) a review and analysis of the adequacy of available insurance protection for low-level radioactive waste management activities against personal injury and property damage, including third-party liability insurance;

(9) a review and analysis of the effectiveness and feasibility of, and the development of recommendations for, encouraging or requiring minimization of the volume, radioactivity, toxicity, or other characteristics of low-level radioactive waste; and

(10) interim and emergency storage plans to go into effect whenever it appears that no facility is or will be available to accept low-level radioactive waste generated within the commonwealth. Such plans may include contractual agreements with facilities located outside the commonwealth. Notwithstanding any provision of section sixteen, if such plans include the development of an interim or emergency storage facility, the board or its designee may apply for a facility license in accordance with the provisions of section thirty-one and, upon its issuance, may construct and operate a facility to accept low-level radioactive waste for interim or emergency storage; provided, however, that no such facility may be constructed unless the department of public health has determined that the environmental monitoring program required in section thirty-six has yielded representative baseline data; and provided, further, that the board shall specify in its interim and emergency storage plans the maximum length of time during which such a facility may be utilized.

Section 13. The department of public health, after consultation with the board, shall establish a program for low-level radioactive waste source minimization, volume minimization and storage for decay by generators. Said department shall adopt regulations necessary to implement such program consistent with the protection of public health, safety and the environment and with the promotion of responsible research and innovation. Such regulations shall require generators to avoid unnecessary contamination of items during the use of radioactive materials; to segregate radioactive waste from non-radioactive trash; and to prepare and implement plans for the utilization of all appropriate source minimization, volume minimization and storage for decay methods.

Section 14. (a) The department of environmental quality engineering shall adopt regulations establishing criteria for the selection of any superior site, guidelines for their application, procedures for the conduct of site selection and plans for the creation within said department of a statewide resource center for the continued collection of data pertaining to site selection. Such regulations shall, at a minimum, be compatible with the federal regulatory program established pursuant to the Atomic Energy Act, 42 USC section 2071 et.seq. The primary consideration in adopting such regulations shall be the protection of public health, safety and the environment.

(b) The site selection criteria and application guidelines shall ensure,

at a minimum, that any superior site satisfies the following site suitability requirements.

(1) sites shall be capable of being characterized, modeled, and monitored;

(2) sites shall be well drained and free of areas of flooding or frequent ponding, waste management areas shall be outside any one-hundred-year flood plain, coastal high-hazard area, or wetland;

(3) upstream drainage areas shall be minimized to decrease the amount of run-off which could erode or inundate the waste management area;

(4) sites shall provide sufficient depth to the water table so that groundwater intrusion, perennial or otherwise, into the waste will not occur;

(5) the hydrogeologic unit used for waste management shall not discharge groundwater to the surface within the site;

(6) waste management area shall be located so that tectonic processes in the vicinity, such as faulting, folding, seismic activity or volcanism, will not occur which will significantly effect the ability of the site to meet any performance objectives adopted by the department of public health under section sixteen, or preclude adequate modeling and prediction of long-term impacts;

(7) waste management area shall be located so that surface geologic processes in the vicinity, such as mass wasting, erosion, slumping, landsliding, or weathering will not occur which will significantly affect the ability of the site to meet any performance objectives adopted by the department of public health under section sixteen, or preclude adequate modeling and prediction of long-term impacts;

(8) waste management areas shall be located so that nearby activities will not adversely affect the ability of the site to meet any performance objectives adopted by the department of public health under section sixteen, or significantly impair the environmental monitoring program;

(9) sites shall be located in areas with no known economically recoverable resources which, if exploited, would adversely affect the ability of the site to meet any performance objectives adopted by the department of public health under section sixteen, or significantly impair the environmental monitoring program;

(10) sites shall be located outside of, and so as not to adversely affect, the recharge zones of existing or future drinking water source aquifers;

(11) sites shall have sufficient land available to provide for the waste volume and a reasonable buffer around the waste management area;

(12) sites shall be located so as not to adversely affect any national park, monument, lake shore, habitat of endangered species, or area protected by the Wilderness Act, 16 USC sections 1131-1136, the Wild and Scenic Rivers Act, 16 USC sections 1271-1287, and the Fish and Wildlife Coordination Act, 16 USC sections 661-666C; or the National Historic Preservation Act, 16 USC sections 470-470m; and

(13) sites shall be located away from any structure or area in which are regularly found persons who, because of their age or physical

characteristics, are likely to be at significantly higher than normal risk of adverse health effects if exposed to the release of radioactive or associated toxic materials.

(c) The procedures for the conduct of site selection shall include a quality assurance program designed to ensure data reliability, validity, traceability, and retrievability, as well as completeness and technical adequacy, for use in making any site selection decisions or subsequent licensing determination.

(d) The application of the site selection criteria adopted pursuant to this section shall not be subject to waiver by the department of environmental quality engineering or the board.

Section 15. The board shall adopt regulations governing the selection of operators. Such regulations shall include financial, technical and management criteria and shall establish procedures adequate to determine that the operator possesses sufficient reliability, expertise, and competence to operate a facility so as to protect public health and the environment. Such determination shall be based, in part, on information submitted by applicants, in response to any request for proposals issued pursuant to section twenty-two, including:

(a) organizational information for the applicant and any proposed subcontractors detailing their legal structure, ownership and control and operational experience, and the background and qualifications of all officers, directors, partners and principal owners of each such firm and of the key personnel to be utilized in the performance of any contract with the board, and a description of the locations and operating experiences of existing or former operations of such persons; the history of compliance with, and any violations of federal, state or local requirements by such persons in any jurisdiction in which they or any of them have done business, and any felony convictions of such persons;

(b) a financial disclosure statement describing the applicant's financial resources and propose revenue plans and demonstrating that the applicant either possesses the necessary funds or has reasonable assurance of obtaining the necessary funds to cover the estimated costs of development and operation of a facility and will have sufficient funds available to carry out facility closure and post-closure observation and maintenance; and

(c) a preliminary facility development, operation, closure, post-closure observation and maintenance and institutional control plan including a description of the proposed technology or technologies to be utilized, and of the applicant's staffing plans and personnel training program, safety and recordkeeping procedures, and emergency response plans.

Section 16. (a) The department of public health shall adopt regulations for the licensing, development, operation, closure, post-closure observation and maintenance, and institutional control of facilities in accordance with the procedure established in this section. Such regulations shall, at a minimum, be compatible with the federal regulatory program established pursuant to the Atomic Energy Act, 42 USC section 2071 et seq., and shall include procedures for license

application and for setting a license decision schedule pursuant to section thirty-one; environmental and human exposure performance objectives, financial assurances and licensing requirements for facility construction; facility opening; low-level radioactive waste acceptance and inspection, storage, treatment and disposal; site maintenance; site safety, environmental monitoring and radiation and contamination control; facility security, recordkeeping and reporting; and quality control and training support; provided, however, that any disposal method utilized at a facility shall permit retrieval and monitoring of the waste, and provided further that shallow land burial shall be prohibited. Regulations governing low-level radioactive waste which is also hazardous waste as defined in section two of chapter twenty-one C, shall require an equivalent level of environmental protection as that required by said chapter and such regulations adopted thereunder; provided, however, that no low-level radioactive waste facility licensed pursuant to this chapter shall be subject to the provisions of chapter twenty-one D. Such regulations shall further require the operator to prepare, maintain and update a facility closure plan throughout the period of facility development and operation.

(b) The department of public health shall not issue a license pursuant to any regulation adopted under this section, authorizing any person to dispose of low-level radioactive waste or to accept waste from any other person for treatment or storage, unless the person making application for such license has been designated as an operator in accordance with the procedures established pursuant to sections twenty-two and twenty-seven. The department of public health shall not issue a license pursuant to any regulation adopted under this section unless the applicant had obtained all other permits and licenses required by law in order to commence construction of a facility; provided, however, that no community may prohibit, or require any license, permit, approval or condition for the construction, operation, closure, post-closure observation and maintenance or institutional control of a facility.

(c) Together with any draft regulations to be adopted under this section, which are issued for public review and comment, the department of public health shall issue a statement of any major alternative regulatory approaches and performance objectives considered but not proposed, and the reasons for the approach chosen and a description of: (1) the significant public health, environmental, social and economic impact of current low-level radioactive waste management practices and regulatory programs; (2) such impacts as are likely to result from the adoption of said departments proposal and from major alternative regulatory approaches considered by said department; and (3) such impacts as are likely to result from improper packaging, transportation incidents, improper design or operation of a facility, natural disaster, or inadvertent or purposeful intrusion into the facility.

Section 17. (a) The board shall initiate the site selection process established in sections eighteen to twenty-three, inclusive, if it determines, by a two-thirds vote of its members, that it is necessary and



appropriate to proceed with site selection. Such vote may be taken only if:

(1) the board has adopted a low-level radioactive waste management plan under section twelve, incorporating a finding that there is a requirement for additional facility capacity to meet present needs or needs anticipated to arise within the next decade;

(2) the department of public health has adopted regulations under section thirteen necessary to implement a program for source minimization, volume minimization and storage for decay by generators;

(3) the department of environmental quality engineering has adopted, under section fourteen, criteria for selection of any superior site for the development and operation of a low-level radioactive waste management facility, guidelines for their application, and procedures for implementing the site selection process;

(4) the board has adopted regulations, under section fifteen, for the selection of operators; and

(5) the department of public health has adopted regulations, under section sixteen, for the licensing development, operation, closure, post-closure observation and maintenance and institutional control of a facility.

(b) No fewer than twenty-one days prior to a vote to initiate site selection pursuant to this section, the board shall issue a notice, satisfying the requirements of section two of chapter thirty A, of its intent to conduct such vote.

(c) Upon voting to initiate site selection, the board shall notify the chief executive officer of each community of the commencement of the site selection process, explaining in detail the site selection criteria, guidelines for their application and procedures for implementation of site selection, and offering the resources of the board and the public participation coordinator to assist communities in participating in the site selection process.

Section 18. The selection of any superior site shall be conducted in accordance with sections nineteen to twenty-four, inclusive, which shall be known and may be cited as "Phase II of the Low-Level Radioactive Waste Management Act," and in accordance with the regulations adopted under section fourteen. The provisions of such sections and regulations shall be implemented so as to ensure an open and fair process for selecting a superior site for any facility determined to be needed pursuant to Phase I of the Low-Level Radioactive Waste Management Act and for certifying applicants who satisfy the regulatory criteria adopted pursuant to said Phase I.

Section 19. (a) The site selection process conducted pursuant to sections twenty and twenty-three shall be in accordance with the procedures set forth in this section. The recommendations of the public participation coordinator, made pursuant to section six, shall be implemented to the extent feasible in order to ensure appropriate public participation in the site selection process; to ensure that adequate information concerning the site selection process is available; to facilitate the conduct of public meetings and other opportunities for

public review and comment; and to ensure that public concerns are identified and addressed throughout the site selection process.

(b) In accordance with the regulations adopted under section four, the board shall retain such consultants as it determines are necessary to complete the site selection process.

(c) Each notice required by section twenty or twenty-three to be given to the chief executive officer of a community shall, at a minimum, explain in detail all actions taken pursuant to sections eleven to seventeen, inclusive, and those actions completed pursuant to section twenty or twenty-three, as well as the remaining actions to be undertaken pursuant to section twenty, twenty-three or twenty-four, and offer the resources of the board and the public participation coordinator to assist communities in participation in the site selection process.

Section 20. (a) The board shall issue a statewide mapping and screening report using existing data and analysis collected by the statewide resource center established pursuant to section fourteen or obtained by the board as of the date of its vote to initiate site selection. Such report shall identify, and exclude from further consideration in the site selection process, those areas of the commonwealth that are obviously unable to satisfy the site selection criteria adopted by the department of environmental quality engineering under said section fourteen.

(b) After the issuance of the statewide mapping and screening report, the board shall issue a report identifying possible locations, which are likely to contain one or more candidate sites. The report shall describe the procedures used to identify such possible locations and establish that such procedures conform to the requirements of the regulations adopted by the department of environmental quality engineering under section fourteen. Such possible locations shall include all available lands in the commonwealth which, on the basis of such information as is obtained by the board through its own investigations, appear to satisfy the site selection criteria adopted under said section fourteen. The board shall publicize the availability of such report for public review and comment, and shall provide a notice, satisfying the requirements of section nineteen to the chief executive officer of each community in which is located a possible location identified in the report. Within forty-five days of the issuance of such report, the board shall conduct at least one public meeting on the report in the vicinity of each possible location identified in the report at times and locations to be determined after consultation with the public participation coordinator and shall accept written comments thereon. The board shall consider and evaluate all comments and statements made at a public meeting or submitted in writing.

(c) Within ten months of the board vote, pursuant to section seventeen, to initiate the site selection process, the board shall issue a draft candidate site identification report. Such report shall identify at least two, but not more than five, candidate sites which the board considers best able to satisfy the site selection criteria adopted by the

department of environmental quality engineering under section fourteen, potentially licensable, capable of being developed, and otherwise appropriate for detailed site characterization pursuant to section twenty-three. Such report shall also include:

(1) a report of the results of a preliminary characterization of the meteorology, surface and groundwater, geology, tectonics, geomechanics, air quality, ecology, land use, cultural resources and social and economic characteristics of each such possible location;

(2) a description of the procedures used to identify the candidate sites based on such preliminary characterization; and

(3) draft plans for detailed site characterization of each candidate site pursuant to section twenty-three.

(d) The preliminary characterization required pursuant to this section shall be conducted, to the extent feasible, so as not to interfere with the quiet enjoyment of private property; provided, however, that, whenever the board deems it necessary to make surveys, soundings, drillings or examinations to obtain information for, or to expedite the preliminary characterization, its authorized agents or employees may, after due notice by registered or certified mail, enter upon any lands, waters and premises, not including buildings, in the commonwealth for the purposes of making surveys, soundings, drillings and examinations as the board may deem necessary or convenient, and such entry shall not be deemed a trespass. The board shall make reimbursement for any injury or actual damage resulting to such lands, water and premises caused by any act of its authorized agents or employees, and the board shall, so far as possible, restore such lands to the same condition as prior to the making of such surveys, soundings, drillings or examinations.

(e) Upon the issuance of the draft candidate site identification report, the board shall transmit a copy of the draft report to the secretary of the executive office of environmental affairs; and widely publicize its availability for public review and comment; and the board and the deputy commissioner of the division of capital planning and operation shall jointly provide a notice satisfying the requirements of section nineteen of this chapter and section forty I of chapter seven, to all persons entitled under said section forty I of chapter seven to receive such notices and to the chief executive officer of each community in which is located all or part of a candidate site identified in such draft report. The board shall request each such chief executive officer to take appropriate action to establish a community supervisory committee for such community in accordance with section twenty-one.

(f) No person owning property identified in the draft candidate site identification report shall take any action or cause to have any action taken with respect to such property prior to the acceptance or amendment of such report by the board pursuant to this section which has the effect of interfering with or rendering more difficult or expensive the conduct of detailed site characterization of the property or the acquisition of a property interest therein pursuant to this section or section twenty-four.

(g) Within sixty days of the issuance of the draft report, the board

shall conduct at least one public meeting on the report in each community in which is located all or part of a candidate site identified in the draft report, at times to be determined after consultation with the public participation coordinator. Such public meeting shall be deemed to satisfy the public hearing requirements of section forty I of chapter seven. The board shall accept written comments on the report submitted within sixty days of the public notice of its availability. Prior to its acceptance of the draft report, the board shall consider and evaluate all comments and statements made at a public meeting or submitted in writing.

(h) Upon receipt of the draft report, the secretary of the executive office of environmental affairs shall implement the public review and comment procedures established pursuant to section sixty-two C of chapter thirty; provided, however, that the review period established in such section shall not extend beyond the final date for acceptance of written comments by the board pursuant to this section. Within sixty days of the issuance of the draft report, said secretary shall issue a statement evaluating its technical adequacy and conformance with the regulations adopted under section fourteen. The said secretary shall transmit a copy of such statement to the board.

(i) No less than seventy-five days and no more than ninety days after the issuance of the draft report, the board shall conduct a vote to determine whether to accept the report and to proceed with detailed site characterization of the candidate sites identified therein, or amend the report and proceed with detailed site characterization of the candidate site identified in the report as amended. Such a vote shall be based on the technical adequacy of the report and its conformance with the regulations adopted under section fourteen. If the board fails to accept or amend the report, the report shall be set aside and the procedures established in this section shall be repeated; provided, however, that the board shall issue its revised draft report within four months of the expiration of the time for it to accept or amend the previous candidate site identification report.

(j) Upon the board's vote to proceed with detailed site characterization, the deputy commissioner of the division of capital planning and operations shall, on behalf of the board, take appropriate action to acquire, by purchase or taking, pursuant to chapter seventy-nine, a determinable property interest in each candidate site identified in the candidate site identification report as accepted or amended by the board, or, in the case of real property of the commonwealth, to transfer the control and use of such property to the board. Acquisition or transfer of each such property interest shall be subject to the requirements of sections forty E to forty M, inclusive, of chapter seven; provided, however, that each candidate site shall be deemed to possess unique qualities for the purpose of section forty H of chapter seven. Such property interest shall be adequate to permit the conduct of detailed site characterization of the property, and to restrict the right to develop the property until a facility license is issued, pursuant to section thirty-one, to operate a facility at one of the

candidate sites identified in the candidate site identification report as accepted or modified by the board.

Section 21. (a) Upon issuance of the draft candidate site identification report, the board shall request the chief executive officer of each community in which is located all or part of a candidate site identified in such draft report to take appropriate action to establish a community supervisory committee for such community. Each community supervisory committee shall be composed of the chief executive officer or his designee, who shall serve as chairperson; the chairperson of the conservation commission or his designee; the chairperson of the board of health or his designee; the chairperson of the planning board or his designee; and three residents of the community nominated by the chief executive officer and approved by a majority vote of the city council or board of selectmen, who shall serve at the pleasure of the chief executive officer.

(b) If the chief executive officer of such community fails to take appropriate action to establish a community supervisory committee within forty-five days of the issuance of the draft candidate site identification report, the board shall designate a committee to assume the responsibilities of the community supervisory committee for such community until such community supervisory committee is established.

(c) The powers and duties of each community supervisory committee shall be:

(1) upon the designation of candidate sites pursuant to section twenty, to represent the best interests of the candidate site community in the site selection process established pursuant to sections twenty, twenty-three and twenty-four;

(2) upon selection of any superior site located within the community, to represent the best interests of the site community in the environmental review of, and licensing proceedings for the facility to be developed at such superior site and in the review and monitoring of facility operations; and

(3) to designate an operator and technology pursuant to section twenty-seven; and

(4) to receive and expend such technical assistance and planning funds as may be provided pursuant to this section.

(d) The board shall, in accordance with the regulations adopted under section four, provide sufficient funds to each community supervisory committee to enable it to acquire administrative and clerical personnel and to retain consultants necessary to exercise the powers and duties established in this section.

(e) Upon the expiration of thirty days after the selection of any superior site or, if a petition for an adjudicatory proceeding has been filed pursuant to section twenty-four, upon a final decision of the commissioner of the department of environmental quality engineering approving the site selection, no further funds shall be provided, pursuant to this section, to community supervisory committees in communities other than a site community. Upon the execution of a comprehensive operating contract pursuant to section thirty-three, no further funds

shall be provided to community supervisory committees in site communities pursuant to this section.

Section 22. (a) Within sixty days of a vote, pursuant to section seventeen, to initiate site selection, and after consultation with the deputy commissioner of the division of capital planning and operations the board shall issue a request for proposals for the development, operation, closure and post-closure observation and maintenance of a facility. The request for proposals shall conform to the regulations adopted under section fifteen, and shall include the most recent management plan adopted by the board under section twelve and a statement of procedures to be followed in responding to the request for proposals. The request for proposals shall require responses to be submitted by applicants within one hundred twenty days after its issuance. Each applicant shall be required to specify the terms under which it will participate in an advisory board that will assist in the planning and implementation of detailed site characterization pursuant to section twenty-four, and pay the board a fee of not less than ten thousand dollars at the time it submits its response to the request for proposals. Such fee shall be refunded only if the board fails to select a superior site, pursuant to section twenty-three, from among the candidate sites identified pursuant to section twenty.

(b) Within sixty days of the final date for submission of responses to the request for proposals, the attorney general shall prepare an investigative report to the board and the community supervisory committees, on each applicant and its officers, directors, partners, principal owners, key personnel and proposed subcontractors, describing their record of compliance with environmental and related laws, regulations, permits and licenses. Each applicant shall annually by March first, submit to the state ethics commission and the inspector general, a report listing each expenditure made during the previous calendar year by an official, employee or representative of the firm, including consultants or subcontractors, to or for the benefit of an official, employee, or representative, including consultants, of the board, the department of public health, the department of environmental quality engineering, the division of capital planning and operations or any community supervisory committee. An officer of the firm shall certify the report as complete and accurate under pains and penalties of perjury. The state ethics commission, upon finding that there has been a violation of the reporting requirement set forth in this section, may issue an order requiring the violator to pay a civil penalty of not more than one thousand dollars for each day of violation and may file a civil action in superior court to enforce such order.

(c) Upon the issuance of the draft candidate site identification report pursuant to section twenty, and after consultation with the deputy commissioner of the division of capital planning and operations, the board shall certify those applicants who satisfy the financial, technical and management criteria adopted under section fifteen. Such certification shall be accompanied by a report including a justification for the certifications made. Such report shall be distributed to each

community supervisory committee, the applicants and all others making a timely request. No applicant who fails to be certified pursuant to this section shall be required to submit a report to the state ethics commission and the inspector general, in accordance with this section, for any year after the year during which the certification of applicants is made.

(d) Within ninety days of the issuance of the draft candidate site identification report pursuant to section twenty, the board shall execute a contract with each certified applicant under which the applicant shall participate in an advisory board that will assist in the planning and implementation of detailed site characterization of the candidate sites identified pursuant to said section twenty.

Section 23. (a) Each community supervisory committee shall assist the board in developing a detailed site characterization plan for a candidate site located within the community and participate throughout the implementation of such detailed site characterization plan. Appropriate board officials and consultants shall meet monthly with each community supervisory committee. Each community supervisory committee shall be kept informed of the progress of the detailed site characterization; be furnished copies of all data, reports and memoranda pertaining to said detailed site characterization including raw data, draft reports and memoranda; and given reasonable opportunity to review and comment upon all work performed.

(b) Within thirty days of the acceptance of the candidate site identification report pursuant to section twenty, the board and the community supervisory committee shall jointly conduct a public meeting in each candidate site community to discuss the draft plan for the detailed site characterization of the candidate site located within such community. The detailed site characterization plan adopted by the board shall include investigations and tests, both in the field and in the laboratory, which shall be conducted so as to demonstrate whether the site complies with the site selection criteria adopted under section fourteen; to provide information necessary for licensing of any facility at the site pursuant to section thirty-one, including an evaluation of the ability of the site characteristics to contribute to isolation of waste, data necessary for the proposed design of such a facility, an identification of potential interactions between the site characteristics and any low-level radioactive waste or waste containers located at the site to establish data collection points and baseline data suitable for use in an environmental monitoring program adopted pursuant to section thirty-six; and to identify, for inclusion in any environmental impact report prepared pursuant to section thirty, potential environmental impacts resulting from the development, operation, closure, post-closure observation and maintenance or institutional control of a facility at the site. Prior to its adoption of the final plan, the board shall consider and evaluate all comments made at a public meeting or in writing.

(c) Within one year and two months of the acceptance of the candidate site identification report pursuant to section twenty, the board shall issue a draft report of the detailed site characterization of each

candidate site, and shall transmit a copy of such report to the secretary of the executive office of environmental affairs and the community supervisory committee. The draft report shall describe the procedures used to characterize each candidate site and establish that such procedures fully conform to the requirements of the regulations adopted under section fourteen.

(d) Upon issuance of the draft detailed site characterization report, the board shall widely publicize its availability for public review and comment, and the deputy commissioner of the division of capital planning and operations shall issue a notice, satisfying the requirements of section forty I of chapter seven, to all persons entitled thereby to review such notice. Within sixty days of the issuance of such report, the board shall conduct at least one public meeting on the report, in each candidate site community, at times to be determined after consultation with the public participation coordinator. Such public meeting shall be deemed to satisfy the public hearing requirements of section forty I of chapter seven. The board shall accept written comments on the report submitted by the community supervisory committee or any other interested person within sixty days of the public notice of its availability.

(e) Upon receipt of the draft detailed site characterization report, the secretary of the executive office of environmental affairs shall implement the public review and comment procedures established pursuant to section sixty-two C of chapter thirty; provided, however, that the review period established in such section shall not extend beyond the final date for acceptance of written comments by the board pursuant to this section. Within seventy-five days of the issuance of the report, said secretary shall issue a statement evaluating its technical adequacy and conformance with the regulations adopted under section fourteen. The said secretary shall transmit a copy of such statement to the board and the community supervisory committee.

(f) No sooner than seventy-five days and no later than ninety days after the issuance of the draft detailed site characterization report, the board shall conduct a vote to determine whether to accept or amend the report. Such a vote shall be based on the technical adequacy of the report and its conformance with the regulations adopted pursuant to section fourteen. Prior to its acceptance of the report, the board shall consider and evaluate all comments made at a public meeting or submitted in writing. If the board fails to accept or amend the detailed site characterization report, the report shall be set aside, and the procedures established in this section shall be repeated; provided, however, that the board shall meet with each community supervisory committee to discuss the draft plan for implementing the revised detailed site characterization within thirty days of the expiration of the time for the board to accept or modify the detailed site characterization report; and provided, further, that the board shall issue its revised detailed site characterization report within one year and two months of the expiration date of the time for the board to accept or amend the prior detailed site characterization report.

(g) Upon voting to accept or modify a detailed site characterization



report, the board may select any superior site by a two-thirds vote of its members. Upon such vote, the deputy commissioner of the division of capital planning and operations shall, on behalf of the board, take appropriate action to acquire, by purchase or taking, pursuant to chapter seventy-nine, a fee simple interest in the superior site, together with such other land, easements, rights-of-way or other property interests necessary to construct and operate a facility thereon and to conduct an environmental monitoring program pursuant to section thirty-six, or, in the case of real property of the commonwealth, to transfer the control and use of such property to the board. Such acquisition or transfer shall be subject to the requirements of sections forty E to forty M, inclusive, of chapter seven; provided, however, that the superior site shall be deemed to possess unique qualities for the purposes of section forty H of said chapter seven. Upon the acquisition of such interest, each site community, during the period prior to the issuance of a facility license, shall be entitled to receive an amount in lieu of local property taxes in accordance with section seventeen of chapter fifty-eight. No facility developed at a superior site selected pursuant to this section shall be subject to the department of environmental quality engineering site assignment pursuant to section one hundred and fifty B of chapter one hundred and eleven.

Section 24. (a) Upon petition by any person aggrieved by an action taken pursuant to sections nineteen, twenty, or twenty-three, made within thirty days after selection of a superior site pursuant to section twenty-three, the commissioner of the department of environmental quality engineering shall commence an adjudicatory proceeding concerning the selection of the site. Such adjudicatory proceeding shall commence within sixty days of the filing of said petition and shall be conducted in compliance with the requirements of section eleven of chapter thirty A.

(b) In addition to the petitioner, the board and the site and neighboring communities shall be parties to the adjudicatory proceeding. Other aggrieved persons may intervene in accordance with the provisions of chapter thirty A.

(c) Within thirty days after the close of the adjudicatory proceeding, the commissioner of said department shall issue a final decision approving or disapproving the selection of the superior site. The site selection shall be approved if said commissioner finds, based on substantial evidence presented during the adjudicatory proceeding, that the site satisfies the site selection criteria adopted under section fourteen.

(d) The reasonable expenses of participation in the adjudicatory proceeding by site and neighboring communities, including attorney's fees, shall be reimbursed by the board in accordance with an order, specifying the amount and time for reimbursement, issued by the commissioner of the department of environmental quality engineering at the time of the final decision.

(e) Any person aggrieved by a decision of said commissioner pursuant to this section may seek judicial review thereof in the supreme judicial

court in accordance with the standards provided for judicial review in section fourteen of chapter thirty A.

Section 25. The selection of an operator and technology or technologies to be utilized at a facility to be developed at any superior site shall be, conducted in accordance with sections twenty-six to twenty-eight, inclusive, which shall be known and be cited as "Phase III of the Low-Level Waste Management Act", and in accordance with the regulations adopted under section fifteen. The provision of said sections twenty-six to twenty-eight, inclusive, and regulations shall be implemented so as to permit any site community to select the operator and technology or technologies that best ensure proper facility operation in order to protect public health, safety and the environment.

Section 26. (a) Upon the expiration of thirty days after the selection of any superior site or, if a petition for an adjudicatory proceeding has been filed pursuant to section twenty-four, upon a final decision of the commissioner of the department of environmental quality engineering approving the site selection, the board shall request the chief executive officer of each neighboring community to appoint a representative to the community supervisory committee of each site community. If the chief executive officer of a neighboring community fails to take such action within twenty-one days of receiving such request, the board shall make the appointment.

(b) Within sixty days of the selection of any superior site or, if a petition for an adjudicatory proceeding has been filed pursuant to section twenty-four, within thirty days of a final decision of the commissioner of the department of environmental quality engineering approving the site selection, the board shall establish a field office within a site community outside the boundaries of the superior site.

Section 27. (a) No sooner than eleven months and no more than one year and two months after the acceptance of the candidate site identification report pursuant to section twenty, the community supervisory committee of each candidate site community shall interview those certified applicants who indicate their willingness to develop and operate a facility at a candidate site located within such community, and shall meet with the board or the deputy commissioner of the division of capital planning and operations at the request of any of them to discuss any aspects of the certified applicants qualifications or responses to the request for proposals.

(b) Each certified applicant interviewed shall be given an opportunity to submit to the community supervisory committee of the site community a written response to any question or requests made of such applicant, including a description of any necessary changes in the development, operation, closure, post-closure observation and maintenance and institutional control plans proposed to be implemented at the superior site and such other information that will allow the community supervisory committee to determine whether the applicant will be able to ensure proper facility operation in order to protect public health, safety and the environment and to serve the site and neighboring communities' interests, including any covenants proposed to be made by

the applicant concerning transportation routing; access road construction; limitations on the hours or number of daily deliveries of low-level radioactive waste to the facility; the number of facility employees to be hired from among site, affected and neighboring community residents; and the amount of business to be contracted for with site, affected and neighboring community firms. Such written responses shall be submitted within sixty days of the selection of such superior site pursuant to section twenty-three.

(c) No fewer than sixty days and no more than ninety days after the selection of any superior site pursuant to section twenty-three, the community supervisory committee of the site community shall select, from among the certified applicants interviewed, the operator of the facility to be developed at such site; provided, however, that, if the candidate site is situated in more than one community, such selection shall be made by a majority vote of the members of the combined community supervisory committees of the site communities.

(d) If the community supervisory committee or committees fail to select an operator from among the certified applicants in accordance with this section, the board shall select such operator by a vote of its members.

(e) The selection of an operator pursuant to this section shall not be subject to the requirement of section forty-four A of chapter one hundred forty-nine.

(f) No certified applicant who fails to be selected as an operator pursuant to this section shall be required to submit a report to the state ethics commission and the inspector general, in accordance with section twenty-two, for any year after the year during which the operator is selected.

Section 28. (a) Within sixty days of the selection of the operator pursuant to section twenty-seven, the board shall execute a development contract under which such operator shall be obligated to fulfill all of the requirements of the facility approval process established in sections twenty-nine to thirty-four, inclusive, in accordance with the plans submitted by the operator pursuant to section twenty-seven or any revision thereof approved by the board, and specifying a bond to be posted in an amount to be determined by the board, payable to the board and conditioned on the faithful performance of the obligations, agreements and covenants specified in the development contract. The bond shall provide that, if the operator defaults on the development contract, it shall pay to the board all damages sustained as a result of the default. The deputy commissioner of the division of capital planning and operations shall assist the board in overseeing the operator's activities under the development contract and shall advise the board on the adequacy of such development activities. If no development contract is executed within sixty days of the designation of the operator or the required bond is not posted, the operator selection shall be set aside, and the procedures established in section twenty-seven shall be repeated in order to select a replacement operator; provided, however, that the community supervisory committee shall select such

replacement operator within thirty days of the expiration of the time for the operator originally selected to execute the development contract or post the performance bond.

(b) Within thirty days of the execution of the development contract, the operator shall establish a field office within a site community outside the boundaries of the superior site.

Section 29. Facility approval and licensing shall be conducted in accordance with sections thirty to thirty-four, inclusive, which shall be known and be cited as "Phase IV of the Low-Level Radioactive Waste Management Act", and in accordance with the regulations adopted under section sixteen. The provisions of such sections and regulations shall be implemented so as to ensure an open and fair process for carrying out the environmental review and licensing of any facility for which a site, operator and technology have been selected pursuant to Phase III of the Low-Level Radioactive Waste Management Act and to require a comprehensive operating contract setting forth the rights and responsibilities of the board and the operator with respect to such facility.

Section 30. (a) Except as otherwise provided in this section, the development, operator, closure, post-closure observation and maintenance and institutional control of a facility at any superior site shall be subject to sections sixty-one to sixty-two H, inclusive, of chapter thirty. No action taken pursuant to sections ten to twenty-eight, inclusive, shall be deemed to be a project within the meaning of section sixty-two of chapter thirty.

(b) Upon execution of the development contract pursuant to section twenty-eight, the operator shall prepare a notification to the secretary of the executive office of environmental affairs of the operator's intent to apply for a facility license pursuant to section thirty-one and for such other permits, as defined in section sixty-two of chapter thirty, as may be required by law for the development or operation of a facility at the superior site. The contents of such notification shall substantially conform to the plans submitted by the operator pursuant to section twenty-seven or any revision thereof approved by the board. Upon approval of the contents of the notification by the board, after consultation with the community supervisory committee of each site community, the notification shall be filed with said secretary in accordance with the provisions of section sixty-two A of chapter thirty, and a copy thereof shall be transmitted to the department of public health.

(c) Notwithstanding any provision of section sixty-two A of chapter thirty to the contrary, an environmental impact report shall be required on the proposed development, operation, closure, post-closure observation and maintenance and institutional control of a facility at any superior site. The report shall identify each community which can be expected to experience significant impacts as a result of the location, development, operation, closure, post-closure observation and maintenance and institutional control of the facility. In making a determination of the scope of the report pursuant to such section, the

secretary of the executive office of environmental affairs may require an examination of only those candidate sites identified pursuant to section twenty as alternative sites for the facility.

(d) The development, operation, closure, post-closure observation and maintenance and institutional control of a facility at any superior site shall be considered a major and complicated project within the meaning of section sixty-two A of chapter thirty. In establishing a specific procedure for evaluation and review of the environmental impacts of the project, said secretary shall appoint a citizens advisory committee in accordance with regulations adopted pursuant to such section to perform the functions established thereunder. The citizens advisory committee shall be composed of the members of the community supervisory committee of each site community and not more than six additional members selected by said secretary.

(e) The public and agency review periods of thirty days for the notice of availability of any draft or final report established by section sixty-two C of chapter thirty shall each be extended for a period of thirty days. During periods for review of the draft environmental impact report, said secretary shall hold at least one public meeting on the report in each site community and additional public meetings in neighboring communities upon request by the chief executive officer of any such community.

(f) The final facility license decision of the department of public health pursuant to section thirty-one shall not be subject to the requirements of section sixty-two D of chapter thirty.

Section 31. (a) Upon the filing with the secretary of the executive office of environmental affairs of a notification pursuant to section thirty of intent to apply for a facility license, the operator may file a facility license application with the department of public health in accordance with regulations adopted under section sixteen. The license application shall be determined to be complete when said department finds that all information required by such regulations has been submitted and any additional requirements established by regulation adopted under said section sixteen have been satisfied; provided, however, that nothing in this section shall prohibit said department from requiring an operator to submit additional information necessary to evaluate the application at any time prior to the final license decision. Said department may summarily deny a facility license if the operator fails or refuses to correct deficiencies in the application. Such summary denial shall be accompanied by an explanation of the reasons for the denial. For each complete application, said department shall set a decision schedule in accordance with its regulations adopted under said section sixteen setting forth the date by which it intends to prepare a draft license or draft denial; and to issue a final license decision. Said department shall adhere to such decision schedule unless it finds that an extension of the schedule, not to exceed ninety days, is necessary to protect the public health or the environment, in which case said department shall adhere to such decision schedule as extended, provided, however, that nothing in this section shall authorize said department to

issue a final facility license decision prior to action by the secretary of the executive office of environmental affairs on the final environmental impact report prepared pursuant to section thirty of this chapter and section sixty-two C of chapter thirty.

(b) The public comment period on a facility license application shall commence upon the filing of the notification of intent to apply for a facility license pursuant to section thirty. The recommendations of the public participation coordinator, made pursuant to section six, shall be implemented to the extent feasible in order to ensure public participation in the facility licensing process; to ensure that adequate information concerning the facility licensing process is available; to facilitate the conduct of public meetings and other opportunities for public review and comment; and to ensure that public concerns are identified and addressed throughout the facility licensing process. The department of public health shall give notice of the commencement of the public comment period by mail to the applicant, the community supervisory committee of each site community and the board and by publication in accordance with regulations adopted pursuant to section sixty-two A of chapter thirty, in a daily or weekly newspaper of general circulation within each site and neighboring community, and by broadcasting on radio stations serving each such community. The public comment period shall continue for forty-five days after the issuance of a draft license or draft denial pursuant to this section; provided, however, that said department shall extend the public comment period if it issues a modified draft license, until forty-five days after the issuance of such a modified draft license. During the public comment period, any person may submit comments in writing on any aspect of the application or the draft license or draft denial; copies of all written comments and memoranda prepared or received by said department shall be made available to persons upon request; and said department shall conduct at least one public meeting on the license application and the draft license or draft denial within each site community and other public meetings in neighboring communities upon request by the chief executive officer of such community.

(c) For each complete facility license application reviewed pursuant to this section, the department of public health shall, after action by the secretary of the executive office of environmental affairs on a draft environmental impact report pursuant to section thirty of this chapter and section sixty-two C of chapter thirty, prepare a draft license or draft denial. A draft license shall include facility design and performance specifications and all conditions required to operate the facility. A copy of the draft license or draft denial shall be sent to the operator, the community supervisory committee of each site community, the board and, upon request, to other interested persons, and shall be accompanied by an explanation of the reasons therefor and a description of the procedures to be followed in reaching a final license decision. Such description shall include the date on which the public comment period is to end; the dates and locations of scheduled public meetings on

the draft license or draft denial, the procedures to be followed by persons wishing to participate in the process leading to the final license decision, and the name, address and telephone number of the person within said department to contact for additional information.

(d) A copy of the department of public health's final facility license decision shall be sent to the applicant, the community supervisory committee of each site community, the board, any person who submitted written comments during the public comment period and, upon request, to other interested persons. Such final decision shall be accompanied by a summary response to comments received during the public comment period and an explanation of the reasons for any difference between the draft license or denial and the final license decision.

Section 33. (a) Upon issuance of a facility license pursuant to section thirty-one, the board, after consultation with the community supervisory committee of each site community, and the operator shall negotiate a comprehensive operating contract setting forth, consistent with the management plan adopted under section twelve, the rights and responsibilities of each party with respect to the facility and specifying that site, affected and neighboring communities are third party beneficiaries. The board and the operator shall execute such contract upon the appropriation of funds necessary to ensure that the board can satisfy the community compensation responsibilities thereunder. Such contract shall specify the terms on which the superior site is to be leased to the operator, shall set forth design and performance specifications for the facility, shall establish the right of the board to supervise all aspects of the development, operation, closure and post-closure observation and maintenance of the facility, and shall set the condition that must be satisfied prior to transfer of the facility license pursuant to section forty-six. The deputy commissioner of the division of capital planning and operations shall assist the board in overseeing the development of the facility and shall advise the board on the adequacy of all development activities. The comprehensive operating contract shall also provide that the board may modify or terminate the contract if it determines that a change in the ownership or control, or in the directors or officers of the operator or a change in any of its principal subcontractors may adversely affect the safe development, operation, closure or post-closure observation and maintenance of the facility. In addition, the contract shall provide that:

(1) The operator shall abide by all covenants proposed to be made to each site, neighboring and affected community in the application filed pursuant to section twenty-two or in any written statements submitted pursuant to section twenty-seven.

(2) The board shall abide by any additional covenants undertaken for the benefit of site, affected or neighboring communities which it deems necessary and appropriate. Such covenants may include obligations to reimburse a community for road maintenance or reconstruction or other increased infrastructure costs resulting from siting, development or operation of a facility.

(3) The operator shall annually pay to each site community, during the

period commencing with the issuance of a facility license, pursuant to section thirty-one and ending with the transfer of such license to the board pursuant to section forty-six, a sum equal to the amount due to such community in real property taxes, provided, however, upon the transfer of the license from the operator to the board pursuant to section forty-six, each site community, during the period of institutional control, shall receive an amount in lieu of local property taxes in accordance with section seventeen of chapter fifty-eight.

(4) The operator shall annually pay to the site community during the period of the facility's operation, a sum equal to four per cent of the annual gross operating receipts of the facility; provided, however, that, except during the first calendar year of a facility's operation, if the facility accepts less than one hundred thousand cubic feet of low-level radioactive waste in any calendar year, the sum to be paid to the site community pursuant to this section shall not be less than two hundred forty thousand dollars; if the facility accepts one hundred thousand cubic feet or more, but less than two hundred thousand cubic feet, of low-level radioactive waste in any calendar year, the sum to be paid to the site community pursuant to this section shall not be less than three hundred twenty thousand dollars; and if the facility accepts two hundred thousand cubic feet or more of low-level radioactive waste in any calendar year, the sum to be paid to the site community pursuant to this section shall not be less than four hundred thousand dollars; during the first calendar year of a facility's operation, the minimum sum to be paid to the site community pursuant to this section shall be prorated in accordance with a schedule to be agreed upon by the operator and the board. In addition to any other amounts paid pursuant to this paragraph, the operator shall pay one hundred and fifty thousand dollars per year, pro rata, to the site community during the period commencing with the opening of the facility and ending five years after the issuance of a facility license. If a facility is located in more than one community, all amounts paid pursuant to this paragraph shall be divided among the site communities in accordance with the formula established pursuant to section thirty-four.

(5) The operator shall annually pay to the neighboring communities during the period of the facility's operation, a sum equal to one per cent of the annual gross operating receipts of the facility; provided, however, that, except during the first calendar year of a facility's operation, if the facility accepts less than one hundred thousand cubic feet of low-level radioactive waste in any calendar year, the sum to be paid to neighboring communities pursuant to this section shall not be less than sixty thousand dollars; if the facility accepts one hundred thousand cubic feet or more, but less than two hundred thousand cubic feet, of low-level radioactive waste in any calendar year, the sum to be paid to neighboring communities pursuant to this section shall not be less than eighty thousand dollars; and if the facility accepts two hundred thousand cubic feet or more of low-level radioactive waste in any calendar year, the sum to be paid to neighboring communities pursuant to this section shall not be less than one hundred thousand dollars; during the first calendar



year of a facility's operation, the minimum sum to be paid to the site community pursuant to this section shall be provided in accordance with a schedule to be agreed upon by the operator and the board; and provided, further, that such sum shall be divided among such communities in accordance with formula established pursuant to section thirty-four.

(6) The operator shall collect a surcharge, established pursuant to section thirty-eight, for the Low-level Radioactive Waste Trust Fund, established in section forty-one, and shall promptly remit the amounts collected, together with any interest accrued thereon, to the state treasurer as treasurer of such Fund.

Section 34. Any community compensation to be provided for site communities pursuant to the comprehensive operating contract shall be divided among such communities in the proportion that each community's population residing within three miles of the facility bears to the total population of site communities within such area. The community compensation to be provided for neighboring communities pursuant to the comprehensive operating contract shall be divided among such communities in the proportion that each community's population residing within three miles of the facility bears to the total population of such communities within such area; provided, however, that if the facility has no neighboring communities, such community compensation shall be divided among the site communities in accordance with the formula established in this section.

Section 35. Facility development, operation, closure, and post-closure observation and maintenance shall be conducted in accordance with sections thirty-six to forty-four, inclusive, shall be known and be cited as "Phase V of the Low-Level Radioactive Waste Management Act", and in accordance with the regulations adopted by the department of public health under section sixteen. The provisions of such sections and regulations shall be implemented so as to provide for the safe and orderly development, operation, closure and post-closure observation and maintenance of any facility licensed pursuant to "Phase IV of the Low-Level Radioactive Waste Management Act".

Section 36. (a) Within thirty days of the issuance of a facility license pursuant to section thirty-one; the department of public health shall, after consultation with the department of environmental quality engineering and the board of health of each site community, establish a comprehensive environmental monitoring program at the facility site. Such program shall employ the best available monitoring technology and shall provide, to the maximum extent feasible, for the participation of officials and citizens of each site community and the training of such persons to facilitate their participation. The program shall be designed to establish baseline environmental data on the site; to determine compliance with applicable regulations, with conditions of the facility license and with terms of the comprehensive operating contract; to provide early warning of the magnitude and extent of any radionuclide migration; and to provide reliable environmental data throughout development, operation, closure, post-closure operation and maintenance

and institution control of the facility. The program shall collect and analyze data concerning standing and running surface water and drainage; groundwater samples from offsite, site boundary and waste management area wells; soil and vegetation samples; atmospheric samples; and radiation measurements offsite, at the site boundary and in the waste management area. The board of health of each site community shall be entitled to obtain portions of the samples collected pursuant to the program for independent analysis by a laboratory certified to conduct such analyses by the United States Environmental Protection Agency.

(b) The operator shall, according to applicable regulations and conditions of the facility license, cooperate with the environmental monitoring program and annually reimburse the department of public health and each site community for the costs thereof until the facility license is transferred to the board pursuant to section forty-six. A copy of all environmental monitoring records and analyses shall be kept at the board field office in the site community for public review.

(c) The department of public health shall annually issue a report describing and evaluating the findings of the monitoring program. Within sixty days of issuance of such report, said department shall hold a public meeting in each site community and, upon request by the chief executive officer of such community, in each affected and neighboring community for public review and comment upon the findings contained therein. Said department shall consider and evaluate all comments made at such public meetings or submitted in writing within sixty days of the issuance of the report.

Section 37. Upon the determination of the department of public health that the environmental monitoring program or detailed site characterization of the superior site has yielded representative baseline data, the operator may commence construction of the facility. The operator shall construct, install and, from time to time, in accordance with the regulations adopted under section sixteen and the conditions of its facility license, make additions or improvements to such structures and equipment as are necessary to operate the facility. Said department shall, in cooperation with officials of each site community and according to the regulations adopted pursuant to said section sixteen, periodically inspect such construction to ensure that such regulations and the conditions of the license are satisfied. The board shall appoint a resident engineer having the experience and expertise specified in section forty-two J of chapter seven, who shall represent the board daily at the superior site during the construction of the facility and who shall, in cooperation with officials of each site community, check, inspect and report to the board as to events at the construction site, in order to ensure that the terms of the comprehensive operating contract are satisfied. The deputy commissioner of the division of capital planning and operations shall assist said department and the board in fulfilling their obligations under this section, and shall advise them on the adequacy of construction activities.

Section 38. (a) Upon the issuance of a facility license pursuant to

section thirty-one, and annually thereafter, until the facility license is transferred to the board pursuant to section forty-six, the department of public health shall establish a payment to be made by the operator equal to said departments expected annual operating budget for the next fiscal year for its activities with respect to the facility other than those for which reimbursement has been made pursuant to section thirty-six; provided, however, that such payment shall be adjusted by the amount of any operating deficit or surplus, previously incurred by said department with respect to such activities, in accordance with procedures established by regulation of said department. The operator shall make such payment to the commonwealth prior to the commencement of the fiscal year.

(b) The operator shall annually submit to the board a proposed schedule of fees and criteria for acceptance of low-level radioactive waste. Such schedule shall be based on the classification system contained in the management plan adopted pursuant to section twelve, shall be designed so as to promote source minimization, volume minimization and storage for decay by generators, shall establish service charges for waste shipments found not to be in compliance with applicable regulations and conditions of the facility license, and shall establish fees which are adequate to reimburse the operator for all reasonable expenses of facility development and operation; all reasonable community compensation guaranteed to site, neighboring and affected communities in the comprehensive operating contract executed pursuant to section thirty-three; the department of public health's required annual payment established pursuant to this section; and a reasonable profit from the operation of the facility; and shall establish waste acceptance criteria, consistent with the management plan and adequate to assure proper and efficient operation of the facility; source minimization, volume minimization and storage for decay in compliance with the regulations adopted by said department pursuant to section thirteen; and conservation of facility resources. Such waste acceptance criteria shall specify that no low-level radioactive waste shall be accepted from an electric-power-generating facility if such waste requires management more stringent than the most stringent management required for any low-level radioactive waste which may be accepted at the facility from another generator. The operator's proposed schedule shall be accompanied by a certified audit of gross operating receipts from fees and surcharges imposed for acceptance of low-level radioactive waste at the facility during the current and prior fiscal years and a verification under oath that all compensation required to be paid by the operator to each site, neighboring and affected community by the comprehensive operating contract has been paid, and that all surcharges collected for the Low-Level Radioactive Waste Trust Fund have been remitted to the state treasurer in accordance with the requirements of the comprehensive operating contract executed pursuant to section thirty-three. All books and records of the operator shall be subject to audit pursuant to section twelve of chapter eleven.

(c) The board, after notice and opportunity for hearing, shall approve, modify or reject the schedule of fees and waste acceptance criteria submitted by the operator and establish annually a schedule of surcharges for the Low-Level Radioactive Waste Trust Fund established in section forty-one. Such fees, criteria and surcharges shall be imposed as conditions of acceptance of all low-level radioactive waste at the facility until a new or revised schedule is approved by the board.

Section 39. (a) Upon written notification by the operator that the facility is ready to accept low-level radioactive waste, and upon written notification by the department of public health that the facility is in compliance with all regulations and conditions of the facility license, the board shall determine whether the operator is in compliance with the comprehensive operating contract. If it is so determined, then the facility shall commence operation.

(b) Within seven days of the board's determination, the operator shall notify all generators of the date on which the operator will accept low-level radioactive waste from such generators. Included in such notice shall be a statement of the terms, conditions and criteria for low-level radioactive waste acceptance at the facility.

Section 40. (a) The facility shall be operated in accordance with this section and with regulations adopted under section sixteen. All shipments of low-level radioactive waste shall, upon arrival at the facility, enter the facility, but shall not proceed into the waste management area for unloading until inspected by the department of public health and found to be in compliance with applicable regulations and conditions of the facility license. Shipments found not to be in compliance shall proceed to a controlled area within the facility to await action to remedy the situation, and the board of health of each site community shall be so notified by the operator. Shipments found to be in compliance shall proceed into the waste management area for unloading. After a transport vehicle is unloaded and leaves the waste management area, it shall not leave the facility until it is again inspected by the department of public health and decontaminated, if necessary.

(b) the department of public health, in consultation with the board, may issue an order temporarily or permanently closing a facility prior to its scheduled closing date if it finds that there is a potential hazard to public health, safety or the environment which justifies such temporary or permanent closure. A facility that is temporarily closed shall remain closed as long as necessary for remedial action and, in any event, throughout any period of facility clean-up and stabilization. Prior to authorizing the reopening of a temporarily closed facility, said department shall conduct at least one public meeting on the reopening in each site community and other public meetings in neighboring communities upon request by the chief executive officer of such community, and shall issue a summary response to all comments made at such public meetings or made in writing during the time the facility is temporarily closed and an explanation of the reasons for authorizing the reopening.

(c) the department of public health shall annually prepare a report summarizing its inspection and enforcement activities with respect to the facility and shall transmit a copy of such report to the board and the board of health of each site community.

Section 41. (a) There is hereby established within the Low-Level Radioactive Waste Trust Fund, a contingent liability account and the institutional control account. The board shall determine annually the amount of revenues, raised from the surcharges imposed pursuant to section thirty-eight, that shall be deposited within each account; provided, however, that after such deposits, no amounts so deposited may be transferred between such accounts.

(b) The contingent liability account shall be used to pay compensation for injuries to persons, land or property resulting from the management of low-level radioactive waste pursuant to section nine.

(c) The institutional control account shall be used to pay institutional control costs pursuant to sections nine and forty-seven. The account shall be used by the board to purchase insurance coverage or otherwise to ensure the availability of funds to meet liability claims during the institutional control period; provided, however, that no portion of the monies held in the institutional control account may be used to satisfy judgments or settlements pursuant to section nine or for any other purpose other than institutional control of a facility.

Section 42. The Low-Level Radioactive Waste Trust Fund, established by section thirty-five H of chapter ten, shall be administered by the board, without liability on the part of the commonwealth beyond the amounts credited to and earned by the fund.

The treasurer shall make payments from accounts of said fund upon receipt of a warrant listing all payments to be made and the accounts to be debited, which has been approved in writing by the board.

The state treasurer shall on or before July first of each year, submit to the board, the governor, the clerk of the senate and the clerk of the house of representatives, an annual report for the previous fiscal year. Said report shall include a statement of the revenues and disbursements of said Fund for the fiscal year, the balance at the beginning and the end of the fiscal year for each account within the trust fund, and any other information the treasurer deems appropriate.

Section 43. (a) At least one year prior to the date scheduled for facility closure in the facility closure plan required to be prepared and maintained by regulations issued pursuant to section sixteen, the operator shall submit such plan to the department of public health and the management board. Said department shall conduct a public meeting on the plan at times to be determined after consultation with the board in each site community and other public meetings in neighboring communities upon request by the chief executive officer of such community. The board shall participate in each such public meeting. Said department shall accept written comments on the plan submitted by any interested person within forty-five days of the public notice of the availability of the plan. Prior to its acceptance of the plan said departments shall consider and evaluate all comments made at a public

meeting or submitted in writing.

(b) Upon acceptance of such plan by said department and the board, the operator shall implement such plan according to the closure schedule contained therein. Said department shall, in cooperation with appropriate officials of each site community and according to regulations adopted pursuant to section sixteen, periodically inspect the operator's implementation of the facility closure plan to ensure that such regulations and the conditions of the facility license are satisfied. The board shall, in cooperation with appropriate officials of each site community, periodically, inspect the operator's implementation of the facility closure plan to ensure that the terms of the comprehensive operating contract are satisfied and that steps necessary to allow the board to accept transfer of the facility license pursuant to section forty-six are taken.

Section 44. Upon completion of site closure activities, the operator shall, for no less than five years thereafter, engage in active observation and maintenance of the facility in accordance with regulations adopted pursuant to section sixteen and the conditions of the facility license. By the end of such time, the operator shall transfer all records of its development, operation, closure and post-closure observation and maintenance of the facility to the board.

Section 45. Institutional control of a facility shall be conducted, subject to appropriation, in accordance with sections forty-six and forty-seven, which shall be known and may be cited as "Phase VI of the Low-Level Radioactive Waste Management Act", and in accordance with the regulations adopted pursuant to section sixteen. The provisions of these sections and regulations shall be implemented so as to provide for the safe and orderly institutional control of a facility following transfer of the facility license from the operator to the board.

Section 46. (a) No sooner than five years after the implementation of the site closure plan pursuant to section forty-four, the board shall accept transfer of the facility license from the operator, if it determines that the operator has fulfilled all of its obligations under the comprehensive operating contract executed pursuant to section thirty-three. No fewer than ninety days prior to such vote, the board shall issue a draft plan for institutional control of the facility in accordance with the regulations adopted under section sixteen for public review and comment. The board shall conduct a public meeting on the plan of each site community and other public meetings in neighboring communities upon request by the chief executive officer of such community. The board shall accept written comments on the plan submitted by any interested person within forty-five days of the public notice of the availability of the plan. Prior to its vote to accept transfer of the license and adopt the plan, the board shall consider and evaluate all comments made at a public meeting or submitted in writing.

(b) Upon the board's decision to accept transfer of the facility license the department of public health shall, after notice and opportunity for hearing, determine whether to allow such transfer. The decision of said

department to approve facility license transfer shall be based on a determination that the operator's obligations under section forty-four have been fulfilled and that the board's program for institutional control of the facility is adequate to protect the public health, safety and the environment. Such decision shall specify, based on the characterization of the facility and of the low-level radioactive waste present at the site, a period of time during which institutional control shall continue, or a procedure for approving termination by the board of institutional control following a specified period of time. The institutional control period shall not be less than the minimum time required for any low-level radioactive waste present at the site to decay to the maximum concentrations above natural background levels permitted to be released into air or water in unrestricted areas under federal and state law.

(c) The operator shall not be required to submit a report to the state ethics commission and the inspector general, in accordance with section twenty-two, for any year after the year during which the facility license is transferred pursuant to this section.

Section 47. The board shall be responsible for institutional control of the facility in accordance with the program approved by the department of public health and regulations adopted pursuant to section sixteen. The board shall annually issue a report of its institutional control of the facility for public review and comment. Within sixty days of issuance of such report, the board shall hold a public meeting in each site community and other public meetings in neighboring communities upon request by the chief executive officer of such community. The board shall consider and evaluate all comments made at such public meetings or submitted in writing within sixty days of the issuance of the report. Said department shall issue an annual report of the supervision of such institutional control activities for public review and comment. Within sixty days of issuance of such report, said department shall hold a public meeting in each site community and other public meetings in neighboring communities, upon request by the chief executive officer of such community. Said department shall consider and evaluate all comments made at such public meetings or submitted in writing within sixty days of the issuance of the report.

Section 48. The selection of an operator and the development of a facility pursuant to this chapter shall, for the purposes of section forty-two B of chapter seven, be construed as an alternative method of design and construction services approved by the legislature, and shall not be subject to sections thirty-eight A 1/2 to thirty-eight N, inclusive, of said chapter seven or of sections forty-four A to forty-four J, inclusive, of chapter one hundred and forty-nine.

**SECTION 6.** The low-level radioactive waste management board, established under the provisions of section two of chapter one hundred and eleven G of the General Laws, is hereby authorized and directed to represent the commonwealth in any and all negotiations with other states for the purpose of reaching an interstate compact agreement to

provide for the establishment and operation of regional disposal facilities for low-level radioactive waste. In carrying out the duties established hereunder, said board may initiate negotiations with any state it deems appropriate to meet the needs of the commonwealth with respect to such facilities upon a majority vote of the board. The board shall include as part of its management plan adopted pursuant to section eleven of chapter one hundred and eleven H of the General Laws a detail report which shall include a summary of all negotiations conducted prior to the establishment of the board, a study of the feasibility of the commonwealth entering into a regional compact which shall identify those states the board deems appropriate for the commonwealth to negotiate with. After the issuance of the detailed report the board shall report semiannually to the joint committee on natural resources on its progress in its negotiations for a regional compact which shall include any additional states which the board determined it is appropriate to negotiate with or any other developments which impact on the establishment of an interstate compact, including any cost to the commonwealth for the disposal of low-level radioactive waste or the volume of waste to be stored in the commonwealth arising from the regional compact negotiations.

**SECTION 7.** The governor, on behalf of the commonwealth, may enter into an agreement with the federal nuclear regulatory commission under section 274 of the Atomic Energy Act of 1954, providing for discontinuance of the regulatory authority of the commission with respect to low-level radioactive waste, by-product, source, and special nuclear material, and the assumption by the commonwealth of the authority to regulate the materials covered by the agreement for the protection of the public health and safety from radiation hazards.

Any person who, on the effective date of an agreement entered into pursuant to this section, possesses a license issued by the federal nuclear regulatory commission for radioactive materials subject to such agreement shall be deemed to possess a like license issued under section five N of chapter one hundred and eleven of the General Laws. Within ninety days of the effective date of such agreement, the department shall reissue such license on such forms as it may require by regulation; provided, however that such reissued license shall expire on the date of expiration specified in the nuclear regulatory commission license.

**SECTION 8.** Nothing in this act shall prohibit the department of public health from issuing a renewal license to any person lawfully holding a license to accept waste for treatment, storage or disposal as of the effective date of this act and any such person may apply to said department for an amendment of the terms and conditions of such license if the application for such amendment has been determined by the low-level radioactive waste management board to be consistent with the management plan adopted pursuant to section twelve of chapter one hundred and eleven H of the General Laws.



---

**ACTS, 1987. – Chap. 550.**

**SECTION 9.**

**EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.**

1400-0000	For the low-level radioactive waste management board the implementation of the provisions of section two through six inclusive, nine, eleven, twelve and fifteen of chapter one hundred and eleven H of the General Laws	\$205,209
1599-2000	For a reserve for the development of a low-level radioactive waste disposal facility by the low-level radioactive waste management board; provided that federal funds received pursuant to 42 U.S.C. 2021E(D) (1) (b) as of July first, nineteen hundred and eighty-six shall be credited to this item; provided further, that additional funds received pursuant to 42 U.S.C. 2021E(D) (1) (b) shall be available for the development of said low-level radioactive waste disposal facility, subject to appropriation; provided further that expenditure of funds from this item shall be subject to the approval of the secretary of administration and finance	\$56,558

**EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.**

2200-0000	For the implementation of sections eleven through fourteen inclusive of chapter one hundred and eleven H of the General Laws	\$176,765
-----------	--	-----------

**DEPARTMENT OF PUBLIC HEALTH.**

4510-0602	For the implementation of sections seven, eight, eleven, thirteen and sixteen of chapter one hundred and eleven H of the General Laws	\$196,757
-----------	---	-----------

**SECTION 10.** This act shall take effect upon its passage.

Approved December 8, 1987.

---

**Chapter 550. AN ACT RELATIVE TO THE DISPOSITION OF UNCLAIMED MONIES HELD BY CITIES AND TOWNS.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately dispose of unclaimed monies held by cities and towns, 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 200A of the General Laws is hereby amended by inserting after section 9, as appearing in the 1986 Official Edition, the following section:–

Section 9A. (a) On or before November first of each year the treasurer of any city or town holding checks issued by said city or town which have not been cashed and which are deemed abandoned under section five may issue a written determination that it is in the best interest of said city or town to follow the procedures set out in this section rather than the procedures set out in sections seven, seven A, seven B, eight, eight A, eight B, nine, ten, ten A and eleven. In the event that the treasurer of a city or town issues a written determination that it is in the best interests of said city or town to follow the procedures set out in this section, all checks in the possession of the city or town which were issued by said city or town and which are deemed abandoned under section five shall be governed by the provisions of subsections (b), (c), (d), and (e) rather than the provisions of sections seven, seven A, seven B, eight, eight A, eight B, nine, ten, ten A, and eleven.

(b) Between November first and December thirty-first of each year, a city or town in possession of a check in an amount of ten dollars or more issued by said city or town and not cashed, which is deemed abandoned under section five shall send a notice by first class mail to inform the apparent owner of the check of the process necessary to rebut the presumption of abandonment; provided, however, that said city or town has the last known address of the apparent owner and the records of said city or town do not disclose that said address is inaccurate.

(c) The treasurer of each city or town holding checks in an amount of one hundred dollars or more issued by said city or town, which have not been cashed and which are deemed abandoned under section five, shall cause a notice of said checks to be published not later than March first of each year, at least once a week for two consecutive weeks in a newspaper of general circulation which is printed in English in each county in which an apparent owner of each such check had a last known address.

Each published notice shall be entitled, "Notice of Names of Persons Appearing to be Owners of Checks Issued by (city or town), Which Have Not Been Cashed and are Deemed Abandoned" and shall contain the names in alphabetical order and last known address if any of:

(1) the apparent owners having a last known address within the county; and

(2) in the county in which said city or town is located the apparent owners whose last known address is outside the commonwealth or who do not have a last known address.

Each published notice shall also contain a statement that information about each such check may be obtained by any person expressing an interest in said check by addressing an inquiry to the treasurer of said city or town whose name and address shall be included in the notice..

(d) Any person claiming an interest in a check issued by a city or town which has not been cashed and which has been deemed abandoned under section five, may establish his claim at any time on or before one year after the date of said publication. The treasurer of said city or town shall possess full and complete authority to determine all such claims and shall, forthwith, send a written notice of such determination to the claimant. At any time within twenty days thereafter, such claimant may apply for a hearing and redetermination of his claim. After an appropriate hearing, before the treasurer of said city or town or his designee, said treasurer shall make a final determination.

The treasurer of said city or town or his designee is empowered to take testimony under oath and shall have the power to subpoena and require the attendance of witnesses and the production of books, papers, and documents which may be pertinent to such hearing.

The treasurer of said city or town shall render a decision within thirty days after such hearing. A claimant adversely affected by such decision may appeal within twenty days to the district, municipal, or superior court of the county wherein the claimant resides or in which said city or town is located. The claimant shall be entitled to a trial de novo. An appeal shall be perfected by the claimant within twenty days after receiving notice of an adverse determination from the treasurer of said city or town. Any party adversely affected by a decree or order of the district, municipal, or superior court may appeal to the appeals court or the supreme judicial court within twenty days from the date of the decree.

If the validity of a claim shall be determined in favor of the claimant, the treasurer of said city or town shall pay over to the claimant the amount of the check at issue in said claim, with interest thereon at the rate of one-twelfth of one per cent per month from the date that the claimant first made his claim.

If the claimant is domiciled in a country or state outside the United States or its territories and the treasurer of said city or town determines that there is not a reasonable assurance that the claimant will actually receive the payment to which he is entitled under this section in substantially full value, the superior court upon petition of said treasurer, or in its discretion may order that the city or town retain such payment.

(e) A city or town in possession of a check issued by said city or town and not cashed, which is deemed under section five to be abandoned and which has not been determined to belong to a claimant within one year of the date said check has been deemed abandoned may retain said check. Said check shall thereafter be credited to the general treasury of said city or town.

Approved December 8, 1987.

**Chapter 551. AN ACT PROVIDING FOR THE ABATEMENT OF TAXES ON CERTAIN PROPERTY DESTROYED BY A FIRE IN THE TOWN OF SOUTHBRIDGE.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of sections two A and thirty-eight of chapter fifty-nine of the General Laws, the board of assessors of the town of Southbridge may for the fiscal year beginning July first, nineteen hundred and eighty-seven determine the valuation of property destroyed by the fire of April sixteenth, nineteen hundred and eighty-seven, immediately subsequent to said fire for the purposes of granting abatements applied for under section fifty-nine of said chapter fifty-nine.

The commissioner of revenue is hereby authorized to reimburse said town of Southbridge for any abatements granted pursuant to the provisions of this section from funds appropriated therefor.

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

Approved December 8, 1987.

---

**Chapter 552. AN ACT RELATIVE TO RESIDENTIAL DEVELOPMENT LOANS.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for more residential development loans, 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:

Paragraph 11 of subsection B of section 2 of chapter 167E of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the first paragraph and inserting in its place the following paragraph:–

A mortgage loan upon two or more parcels of real estate contained within a single project being developed by one owner, for the purpose of financing the construction of a dwelling and appurtenances designed to be occupied by not more than four families upon each such parcel. Such mortgage loan shall not exceed seventy-five per cent of the aggregate estimated completed value of the parcels of land and structures thereon securing the mortgage, or four hundred thousand dollars with respect to each such parcel and structures thereon, whichever amount is the lesser. Each mortgage loan of this class shall be payable not more than three years from the date of the note.

Approved December 8, 1987.

**Chapter 553. AN ACT RELATIVE TO THE TITLE OF THE DIRECTOR  
OF THE OFFICE FOR CHILDREN.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 181 of chapter 6 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 23, the word "director" and inserting in place thereof the word:- commissioner.

**SECTION 2.** Section 28 of chapter 18 of the General Laws, as so appearing, is hereby amended by striking out, in line 18, the word "director" and inserting in place thereof the word:- commissioner.

**SECTION 3.** The first paragraph of section 9 of chapter 18A of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the word "director" and inserting in place thereof the word:- commissioner.

**SECTION 4.** Section 2 of chapter 28A of the General Laws, as so appearing, is hereby amended by inserting after the definition of "Child with special needs" the following definition:-  
"Commissioner", commissioner of the office for children.

**SECTION 5.** Said section 2 of said chapter 28A, as so appearing, is hereby further amended by striking out the definition of "Director".

**SECTION 6.** Said chapter 28A is hereby further amended by striking out section 3, as so appearing, and inserting in place thereof the following section:-

Section 3. There shall be an office for children under the exclusive supervision and control of a commissioner who shall be appointed by the secretary of human services, with the approval of the governor, and 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. The commissioner shall, at the time of his appointment, have substantial professional or administrative experience in a field concerned with children's needs. The position of the 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 and the commissioner shall devote his full time during business hours to the duties of the office. Said commissioner shall appoint and may remove such assistant commissioners and such other employees and consultants as he shall deem necessary to perform the functions of the office. The provisions of chapter thirty-one and sections nine A, nine B and nine D of chapter thirty shall not apply to the commissioner, to such assistant commissioners as he may appoint or to such other supervisory positions as he may create.

The office may lease, purchase, hold and dispose of personal and real

property. Subject to the approval of the secretary of human services, the commissioner may apply for and accept on behalf of the commonwealth any federal, local or private grants, bequests, gifts or contributions to aid in the financing of any of the programs or policies of the office. Such funds shall be received by the state treasurer on behalf of the commonwealth and deposited in a separate account and shall be expended under the direction of the commissioner, with the approval of the secretary of human services. Federal funds paid as reimbursement to the commonwealth shall be deposited in the General Fund.

The office may make agreements with other departments and agencies of the commonwealth and may contract with other persons, including private agencies, to carry out any of the functions and purposes set out in this chapter. The commissioner shall establish standards and procedures governing such agreements and contracts subject to the approval of the secretary of administration.

The commissioner, pursuant to the provisions of chapter thirty A shall make and, from time to time, revise such regulations as may be necessary to carry out the functions set forth in this chapter.

**SECTION 7.** Section 6A of said chapter 28A, as so appearing, is hereby amended by striking out, in lines 1, 18, 25, 35, 38 and 39 and in line 54, the word "director" and inserting in place thereof, in each instance, the word:- commissioner.

**SECTION 8.** Paragraph (a) of the second paragraph of section 8 of said chapter 28A, as so appearing, is hereby amended by striking out clauses (1) to (4), inclusive, and inserting in place thereof the following four clauses:-

- (1) assist the commissioner in coordinating the efforts of all public agencies concerned with services to children;
- (2) advise the commissioner on policy, planning and priorities of need in the commonwealth for services to children;
- (3) review regulations proposed by the office and make recommendations to the commissioner in regard thereto;
- (4) suggest new regulations to the commissioner.

**SECTION 9.** Section 12 of said chapter 28A, as so appearing, is hereby amended by striking out, in line 1, the word "director" and inserting in place thereof the word:- commissioner.

Approved December 8, 1987.

---

**Chapter 554. AN ACT PROVIDING INCREASED FUNDS FOR THE COMMUNITY DEVELOPMENT ACTION PROJECT GRANTS.**

Be it enacted, etc., as follows:

**SECTION 1.** Item 3722-8866 of section 7 of chapter 748 of the acts of 1985 is hereby amended by striking out, in line 7, the figure "\$20,000,000" and inserting in place thereof the following figure:- \$50,000,000.

**SECTION 2.** Section 13 of said chapter 748 is hereby amended by striking out, in line 5, the word "twenty" and inserting in place thereof the following word:- fifty.

Approved December 8, 1987.

EMERGENCY LETTER: December 8, 1987 @ 4:38 P.M.

---

**Chapter 555. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO GRANT AN EASEMENT OVER CERTAIN LAND LOCATED IN THE TOWN OF NEW SALEM.**

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 of chapter seven of the General Laws, to convey by deed approved as to form by the attorney general, a permanent easement for passage and access purposes over certain land under the control of the metropolitan district commission and located in the town of New Salem, to Bernard Snow, subject to the provisions of section two and to such additional terms and conditions as the deputy commissioner may prescribe, in consultation with the metropolitan district commission. Said easement extends from state highway route 122, northerly to land of Bernard A. Snow and is more particularly described by metes and bounds, as follows:-

BEGINNING at a point in the northerly line of the October 19, 1937 state highway layout of the Petersham Highway, said point being located S.81°27'55"E. a distance of 87.07 feet from the locus of a Massachusetts Highway bound (MHB) opposite station 51+55.73 of said layout; and running thence:

(1) N.18°31'41"E. a distance of 374.21 feet to a point; and running thence:

(2) N.66°10'16"E. a distance of 176.13 feet to a point; and running thence:

(3) N.28°34'48"E. a distance of 191.26 feet to a point; and running thence:

(4) N.20°24'12"E. a distance of 124.85 feet to a point; and running thence:

(5) N.8°13'18"E. a distance of 252.96 feet to a point; and running thence:

(6) N.31°58'33"E. a distance of 380.75 feet to a point; and running thence:

(7) N.21°02'10"E. a distance of 494.77 feet to a point; and running thence:

(8) N.32°21'05"E. a distance of 176.63 feet to a point; and running thence:

(9) N.8°18'40"E. a distance of 529.69 feet to a point; and running thence:

(10) N.19°55'58"E. a distance of 88.12 feet to a point; and running thence:

(11) N.6°35'28"E. a distance of 301.63 feet to an iron pipe in the southerly line of land of Bernard A. Snow, described in deed recorded in Franklin County Registry of Deeds in Book 1785, Page 200, said iron/pipe being located N.81°52'07"E. a distance of 99.90 feet from a concrete MDC bound; and running thence:

(12) N.81°44'33"E. a distance of 51.73 feet with the southerly line of said Snow land to a point; and running thence:

(13) S.6°35'28"W. a distance of 320.74 feet to a point; and running thence:

(14) S.19°55'58"W. a distance of 88.88 feet to a point; and running thence:

(15) S.8°18'40"W. a distance of 535.25 feet to a point; and running thence:

(16) S.32°21'05"W. a distance of 182.32 feet to a point; and running thence:

(17) S.21°02'10"W. a distance of 494.61 feet to a point; and running thence:

(18) S.31°58'33"W. a distance of 375.02 feet to a point; and running thence:

(19) S.8°13'18"W. a distance of 229.69 feet to a point; and running thence:

(20) S.20°24'12"E. a distance of 134.87 feet to a point; and running thence:

(21) S.28°34'48"W. a distance of 231.05 feet to a point; and running thence:

(22) S.66°10'16"W. a distance of 171.07 feet to a point; and running thence:

(23) S.18°31'41"W. a distance of 343.21 feet to a point in the northerly line of the Petersham Highway; and running thence:

(24) N.81°27'55"W. a distance of 50.77 feet with the northerly line of Petersham Highway to the point of beginning, being shown on "Plan of Right of Way over Land of the Commonwealth of Massachusetts, New Salem, prepared for Bernard A. Snow," 11 May 1985, 1"=100', by Berry Engineering, Inc.; said right of way being over land of the Commonwealth of Massachusetts, Metropolitan District Water Supply Commission, described in the following two deeds:

(1) deed of Harry W. Fay and Betrice A. Fay recorded in Book 812, Page 34

(2) deed of Harry W. Fay recorded in Book 812, Page 3.



---

**ACTS, 1987. – Chaps. 556, 557, 558.**

**SECTION 2.** The recipient of said easement shall assume the costs of appraisals, surveys, and other expenses as deemed necessary by the deputy commissioner for the granting of this easement.

Approved December 8, 1987.

---

**Chapter 556. AN ACT RELATIVE TO THE SENTENCING OF CERTAIN CONVICTS.**

Be it enacted, etc., as follows:

Section 28 of chapter 279 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the first sentence the following sentence:– A convict sentenced to state prison under this section shall, thereupon, be removed to the reception center established under section twenty of chapter one hundred and twenty-seven, and shall be discharged at the expiration of his sentence thereto.

Approved December 8, 1987.

---

**Chapter 557. AN ACT RELATIVE TO PETITIONS FOR ADMINISTRATION BY PUBLIC ADMINISTRATOR.**

Be it enacted, etc., as follows:

Section 1 of chapter 192 of the General Laws, as amended by chapter 99 of the acts of 1987, is hereby further amended by inserting after the word "officer", in line 5, the words:– ; provided, however, that in the case of a petition filed by a public administrator or special administrator, the copy of the death certificate shall not be required until thirty days after the appointment of either the public administrator or special administrator.

Approved December 8, 1987.

---

**Chapter 558. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN PARCEL OF LAND IN THE DOUGLAS STATE FOREST TO RONALD M. McCANN AND DAVID W. McCANN.**

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

section forty F 1/2 and sections forty I to 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 town of Douglas, to Ronald M. McCann and Daniel W. McCann, subject to the provisions of sections three and four and to such additional terms and conditions as the deputy commissioner may prescribe, in consultation with the department of environmental management. Said land being particularly described as follows:

Beginning at a bound on the east line of Gore Road, said bound marking the northwest corner of the parcel herein described;

Thence, running S 87°-32'-10" E along land of Ronald M. McCann and David W. McCann, a distance of 1,564.17 feet, to an iron pin;

Thence, running S 35°-08'-56" W along land of the Commonwealth of Massachusetts, a distance of 640.00 feet, to an iron pin;

Thence, running S 75°-46'-29" W along land of the Commonwealth of Massachusetts, a distance of 928.71 feet, to an iron pin on the east line of Gore Road;

Thence, running N 23°-13'-10" W, a distance of 120.00 feet, to a point;

Thence, running N 20°-08'-04" W, a distance of 490.70 feet, to a point;

Thence, running N 17°-26'-14" W, a distance of 259.70 feet, to the point of beginning, the last three (3) courses being along said Gore Road.

Containing 19.043 acres of land, more or less, and being shown on a plan of land entitled "Plan of Land in Douglas, Massachusetts Prepared for the Massachusetts Department of Environmental Management," dated May 29, 1987, Scale 1" = 200', by Almer Huntley Jr. & Associates, Inc., Northampton, MA.

**SECTION 2.** The consideration paid for the conveyance of the above described parcel shall be equal to at least the fair market value of said property for its highest and best use as determined by the deputy commissioner of capital planning and operations using procedures customarily accepted by the appraising profession as valid for determining property value. The consideration shall include the conveyance to the Commonwealth by Ronald M. McCann and David W. McCann the fee simple interest in the four parcels of land currently under their ownership in the town of Douglas abutting Douglas state forest to be used for conservation and recreation purposes as an addition to the Douglas state forest. The value of said parcels conveyed to the Commonwealth shall be determined by the deputy commissioner of capital planning and operations using procedures customarily accepted by the appraising profession as valid for determining property value. Said parcels are more particularly described as follows:

**PARCEL 1.**

Beginning at a point on the northwest line of Southwest Main Street at the southeast corner of land now or formerly of David M. Perry;

Thence, running S 26°-31'-10" W along Southwest Main Street, a distance of 270.61 feet, to a point;

Thence, running southwesterly along Southwest Main Street following a curve to the right having a radius of 967.00 feet, an arc distance of

146.13 feet, to a point at the northeast corner of parcel 4 hereinafter described;

Thence, running S 79°-30'-27" W along parcel 4, a distance of 1,043.54 feet, to a point in the east line of land of the Commonwealth of Massachusetts;

Thence, running N 13°-34'-22" W along land of the Commonwealth of Massachusetts, a distance of 211.53 feet, to a point at the southwest corner of Parcel 3 hereinafter described;

Thence, running N 74°-31'-46" E along parcel 3, a distance of 1,319.22 feet, to the point of beginning.

Containing 7.143 acres.

PARCEL 2.

Beginning at a point on the north line of land now or formerly of David M. Perry at the southwest corner of land now or formerly of Stephen W. Walenty, Jr.;

Thence, running S 83°-30'-57" W along land of said Perry, a distance of 356.19 feet, to a point;

Thence, running N 15°-52'-20" W along land of David M. Perry, Ronald M. McCann and Michael Mahan, a distance of 704.15 feet, to a pile of stones;

Thence, running N 75°-13'-39" E along land of said Perry, McCann and Mahan, a distance of 316.76 feet, to a point;

Thence, running S 13°-23'-32" E along land of the Commonwealth of Massachusetts, a distance of 91.35 feet, to a pile of stones;

Thence, running N 77°-15'-01" E along land of the Commonwealth of Massachusetts, a distance of 64.59 feet, to a point at the northwest corner of the aforesaid land of Walenty;

Thence, running S 13°-21'-17" E along said land of Walenty, a distance of 454.02 feet, to a point;

Thence, running S 14°-14'-55" E along said land of Walenty, a distance of 207.89 feet, to the point of beginning.

Containing 5.990 acres.

PARCEL 3.

Beginning at a point on the northwest line of Southwest Main Street at the southeast corner of land now or formerly of David M. Perry, said point further being at the northeast corner of Parcel 1 hereinbefore described;

Thence, running S 74°-31'-46" W along parcel 1, a distance of 1,319.22 feet, to a point in the east line of land of the Commonwealth of Massachusetts;

Thence, running N 11°-31'-33" W along land of the Commonwealth of Massachusetts, a distance of 222.75 feet, to a pile of stones at the southwest corner of land now or formerly of Robert F. and Dorothy M. Caouette;

Thence, running N 75°-06'-07" E along said land of Caouette and along land of David M. Perry, Ronald M. McCann and Michael Mahan, a distance of 790.58 feet to a point in the west line of the aforesaid land of David M. Perry;

Thence, running S 27°-37'-47" E along land of said Perry, a distance

---

**ACTS, 1987. – Chap. 559.**

of 68.58 feet, to a point;

Thence, running S 21°-34'-08" E along land of said Perry, a distance of 92.40 feet, to a point;

Thence, running N 80°-59'-33" E along land of said Perry, a distance of 492.23 feet, to the point of beginning.

Containing 4.394 acres.

**PARCEL 4.**

Beginning at a bound on the northwest line of Southwest Main Street at the northeast corner of land of the Commonwealth of Massachusetts;

Thence, running S 78°-22'-33" W along land of the Commonwealth of Massachusetts, a distance of 647.96 feet, to a bound;

Thence, running N 11°-13'-33" W along land of the Commonwealth of Massachusetts, a distance of 462.00 feet, to a point at the southwest corner of Parcel 1 hereinbefore described;

Thence, running N 79°-30'-27" E along parcel 1, a distance of 1,043.54 feet, to a point on the northwest line of Southwest Main Street;

Thence, running S 35°-10'-40" W along Southwest Main Street, a distance of 279.00 feet, to a point;

Thence, running southwesterly along Southwest Main Street following a curve to the left having a radius of 1,033.00 feet, an arc distance of 309.95 feet, to a point;

Thence, running S 16°-56'-53" W along Southwest Main Street 8.83 feet to the point of beginning.

Containing 8.599 acres.

These four (4) parcels contain a total area of 26.126 acres, more or less, and being shown on a plan of land entitled "Plan of Land in Douglas, Massachusetts Surveyed for the Massachusetts Department of Environmental Management," dated March 16, 1987, Scale 1" = 100', by Almer Huntley, Jr. & Associates, Inc., Northampton, MA.

**SECTION 3.** No deed conveying by or on behalf of the commonwealth the property described in section one shall be valid unless such deed provides that said property shall be used for residential housing purposes.

**SECTION 4.** Ronald M. and David W. McCann shall assume all costs for appraisals, surveys, and other expenses as deemed necessary by the deputy commissioner of capital planning and operations for the conveyance of this property.

Approved December 8, 1987.

---

**Chapter 559. AN ACT INCREASING THE PENALTIES FOR VIOLATION OF CERTAIN LAW CONCERNING LABOR AND INDUSTRIES.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 6 of chapter 149 of the General Laws, as

appearing in the 1986 Official Edition, is hereby amended by striking out, in line 20, the words "two hundred and fifty" and inserting in place thereof the following words:- one thousand.

**SECTION 2.** Section 16 of said chapter 149, as so appearing, is hereby amended by striking out, in line 3, the word "one" and inserting in place thereof the following word:- five.

**SECTION 3.** Section 18I of said chapter 149, as so appearing, is hereby amended by striking out, in line 3, the words "two hundred" and inserting in place thereof the following words:- one thousand.

**SECTION 4.** Section 20D of said chapter 149, as so appearing, is hereby amended by striking out, in line 25, the word "one" and inserting in place thereof the following word:- three.

**SECTION 5.** Section 21 of said chapter 149, as so appearing, is hereby amended by striking out, in line 7, the word "one" and inserting in place thereof the following word:- two.

**SECTION 6.** Section 22A of said chapter 149, as so appearing, is hereby amended by striking out, in line 22, the words "five hundred" and inserting in place thereof the following words:- two thousand.

**SECTION 7.** Section 23 of said chapter 149, as so appearing, is hereby amended by striking out, in line 16, the words "four hundred" and inserting in place thereof the following words:- two thousand.

**SECTION 8.** Section 23A of said chapter 149, as so appearing, is hereby amended by striking out, in line 13, the words "five hundred" and inserting in place thereof the following words:- two thousand.

**SECTION 9.** Section 27 of said chapter 149, as so appearing, is hereby amended by striking out, in line 50, the words "less than one thousand nor more than five thousand" and inserting in place thereof the following words:- more than ten thousand.

**SECTION 10.** Section 27C of said chapter 149, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Whoever, either by himself or an agent, superintendent or formen for another, violates any provision of the four preceding sections, where no other penalty has been provided for, shall be punished by a fine of not less than five hundred nor more than two thousand dollars for a first offence, and for a subsequent offence by a fine of not less than one thousand nor more than five thousand dollars, or by imprisonment for not more than three months, or both such fine and imprisonment.

**SECTION 11.** Section 27F of said chapter 149, as so appearing, is

---

**ACTS, 1987. – Chap. 559.**

hereby amended by striking out, in line 22, the words "hundred dollars nor more than five hundred" and inserting in place thereof the following words:- thousand nor more than five thousand.

**SECTION 12.** Section 45 of said chapter 149, as so appearing, is hereby amended by striking out, in line 4, the word "five" and inserting in place thereof the following word:- fifteen

**SECTION 13.** Section 47 of said chapter 149, as so appearing, is hereby amended by striking out, in line 7, the word "fifty" and inserting in place thereof the following words:- three hundred.

**SECTION 14.** Section 48 of said chapter 149, as so appearing, is hereby amended by striking out, in line 12, the word "fifty" and inserting in place thereof the following words:- three hundred.

**SECTION 15.** Section 50A of said chapter 149, as so appearing, is hereby amended by striking out, in line 10, the word "fifty" and inserting in place thereof the following words:- three hundred.

**SECTION 16.** Section 52 of said chapter 149, as so appearing, is hereby amended by striking out, in line 5, the word "fifty" and inserting in place thereof the following words:- three hundred.

**SECTION 17.** Section 54 of said chapter 149, as so appearing, is hereby amended by striking out, in line 8, the words "twenty-five nor more than five hundred" and inserting in place thereof the following words:- one hundred nor more than three thousand.

**SECTION 18.** Section 100 of said chapter 149, as so appearing, is hereby amended by striking out, in lines 4 and 5, the words "fifty nor more than one" and inserting in place thereof the following words:- three hundred nor more than six.

**SECTION 19.** Section 103 of said chapter 149, as so appearing, is hereby amended by striking out, in lines 8 and 9, the words "ten nor more than thirty" and inserting in place thereof the following words:- fifty nor more than two hundred.

**SECTION 20.** Section 112 of said chapter 149, as so appearing, is hereby amended by striking out, in line 4, the word "fifty" and inserting in place thereof the following words:- three hundred.

**SECTION 21.** Section 115 of said chapter 149, as so appearing, is hereby amended by striking out, in line 10, the words "five nor more than two hundred" and inserting in place thereof the following words:- one hundred nor more than one thousand.

**SECTION 22.** Section 125 of said chapter 149, as so appearing, is

hereby amended by striking out, in line 3, the words "twenty-five nor more than one" and inserting in place thereof the following words:- one hundred nor more than five.

**SECTION 23.** Section 126 of said chapter 149, as so appearing, is hereby amended by striking out, in line 20, the words "one hundred nor more than five hundred" and inserting in place thereof the following words:- five hundred nor more than three thousand.

**SECTION 24.** Section 129B of said chapter 149, as so appearing, is hereby amended by striking out, in lines 6, 7 and 8 the words "one hundred dollars for the first offense, by a fine of not more than five hundred dollars for the second offense, and by a fine of not more than one thousand dollars for any subsequent offense" and inserting in place thereof the following words:- five hundred dollars for the first offense, by a fine of not more than three thousand dollars for the second offense, and by a fine of not more than five thousand dollars for any subsequent offense.

**SECTION 25.** Section 129C of said chapter 149, as so appearing, is hereby amended by striking out, in line 9, the word "one" and inserting in place thereof the following word:- five.

**SECTION 26.** Said section 129C of said chapter 149, as so appearing, is hereby further amended by striking out, in line 19, the word "one" and inserting in place thereof the following word:- five.

**SECTION 27.** Section 142F of said chapter 149, as so appearing, is hereby amended by striking out, in line 15, the word "hundred" and inserting in place thereof the following word:- thousand.

**SECTION 28.** Section 147G of said chapter 149, as so appearing, is hereby amended by striking out, in line 17, the words "fifty nor more than five hundred" and inserting in place thereof the following words:- three hundred nor more than three thousand.

**SECTION 29.** Section 148 of said chapter 149, as so appearing, is hereby amended by striking out, in line 93, the words "one hundred nor more than five hundred" and inserting in place thereof the following words:- five hundred nor more than three thousand.

**SECTION 30.** Section 150B of said chapter 149, as so appearing, is hereby amended by striking out, in line 6, the word "one" and inserting in place thereof the following word:- five.

**SECTION 31.** Section 159A of said chapter 149, as so appearing, is hereby amended by striking out, in line 20, the words "two hundred" and inserting in place thereof the following words:- one thousand.

---

**ACTS, 1987. - Chap. 560.**

**SECTION 32.** Section 180 of said chapter 149, as so appearing, is hereby amended by striking out, in line 3, the word "one" and inserting in place thereof the following word:- five.

Approved December 8, 1987.

EMERGENCY LETTER: December 8, 1987 @ 4:38 P.M.

---

**Chapter 560. AN ACT RELATIVE TO MEDICAL MALPRACTICE INSURANCE.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, 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 of the General Laws each dental service corporation established under the provisions of chapter one hundred and seventy-six E shall file with the commissioner of insurance such data as will show the percentage of total revenues for dentists in the commonwealth, which is attributable to payments by it which are subject to limitations on charges and collections imposed by contractual agreement of such dental service corporation, 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, if any. Any interested party, including, without limitation, organizations of 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 dentists in the commonwealth and the percentage share thereof paid by:

(a) dental service corporations for services which are subject to limitations on charges and collections imposed by contractual agreement of such dental service corporations;

(b) governmental units as to which the rates of payment for professional services to dentists are fixed and established by the rate setting commission pursuant to section thirty-two of chapter six A of the General Laws;

(c) insurers under chapter one hundred and fifty-two of the General Laws;

(d) health insurance under Title XVIII of the Social Security Act;

(e) dental service corporations under policies providing supplemental coverage to health insurance provided under Title XVIII of the Social Security Act, if any; and

(f) all other payors, including, without limitation, dental service corporations to the extent their payments are not included in clauses (a) to (e), inclusive, of this paragraph.

The commissioner of insurance may require any insurer, health



maintenance organization or other payor making payments to dentists in the commonwealth for dental services, to file data that will show such payor's total payments to 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 act.

No later than November first, the commissioner shall hold a hearing to determine, based on the data filed by dental 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 dentists, in the commonwealth, paid by the following:

(a) dental service corporations for services which are subject to limitations on charges and collections imposed by contractual agreement of such dental service corporations;

(b) governmental units as to which the rates of payment for professional services to dentists are fixed and established by the rate setting commission pursuant to section thirty-two of chapter six A of the General Laws;

(c) insurers under chapter one hundred and fifty-two of the General Laws;

(d) health insurance under Title XVIII of the Social Security Act;

(e) dental service corporations under policies providing supplemental coverage to health insurance under Title XVIII of the Social Security Act, if any; and

(f) all other payors, including, without limitation, dental service corporations to the extent their payments are not included in clauses (a) to (e), inclusive, of this paragraph. 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 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 said hearing and is aggrieved by any action, order, finding or decision of the commissioner of insurance under this act 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 dental service corporation relating to services subject to limitations on charges and collections imposed by contractual agreement of such dental service corporation which are rendered by participating 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 of the General Laws. The dental service corporation's payment shall be the amount of the total malpractice adjustment for that procedure code in addition to the amount paid to the participating dentist for that procedure.

The total adjustments shall be sufficient to generate, over a twelve month period, additional payments to participating dentists equal to the total dollar increase in medical malpractice insurance premium charges over the charges which were fixed and established by the decision of August twentieth, nineteen hundred and eighty-six, multiplied by the following fraction: (a) the numerator shall be the per cent of total revenues for dentists, which the dental service corporation's payments for services subject to limitations on charges and collections imposed by contractual agreement of such dental service corporation constitute, plus one-half of the per cent of total revenues for 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 dentists, paid by the dental service corporation under policies providing supplemental coverage to health insurance under Title XVIII of the Social Security Act, if any. In the event that medical malpractice insurance premium charges decrease, negative adjustments shall be made pursuant to the same formula.

Any participating dentist, when filing a request for payment based on a procedure code with said dental service 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 participating dentist, the dental service corporation shall include all of that dollar amount in the amount paid to the participating dentist 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 dentists paid by the dental service corporations and others as provided

herein. The adjustment to payments by the dental service corporation shall take effect with the next regularly scheduled change in payments following the change in medical malpractice insurance premiums; provided, however, that said next regularly scheduled change in payments shall not be less than ninety days following the decision fixing and establishing total adjustments. The dental service corporation shall make available to participating dentists a list of the adjustments by the procedure code that have been made prior to the next regularly scheduled change in payments. The dental service corporation shall also provide said list to the division of insurance, which shall make available such list upon request.

Whenever the premiums, rates or subscription charges of a dental 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 dentists, effective as of the date that such adjusted payments were first implemented.

The commissioner shall determine the methodology pursuant to which each dental service corporation shall allocate the total adjustments among procedure codes in order that payments to participating 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 participating dentist and to customary charge levels, in each instance separately stated by procedure code. For purposes of this act the commissioner shall make this determination on a biennial basis; provided, however, that upon the motion of any party at any future hearing under this act 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.

For purposes of this act "participating dentist" shall mean a registered dentist who agrees in writing with a dental service corporation to perform dental service for subscribers and covered dependents and to abide by the by-laws, rules and regulations of such corporation.

**SECTION 2.** The total adjustments to payments by dental service corporations to participating dentists established in section one of this act shall be applicable to payments by said dental service corporations to said participating dentists commencing on the next regularly scheduled change in payments following June first, nineteen hundred and eighty-nine.

**SECTION 3.** The provisions of section one shall terminate upon the completion of the rate period ending June thirtieth, nineteen hundred and ninety-two.

Approved December 8, 1987.

**Chapter 561. AN ACT DESIGNATING CHARLES H. BRUNDAGE, MARY H. BRUNDAGE, MARK A. BRUNDAGE RESIDENTS OF THE TOWN OF UXBRIDGE FOR A CERTAIN PERIOD OF TIME.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding any general or special law to the contrary, Charles H. Brundage, Mary H. Brundage and Mark A. Brundage, husband and wife and child during their lifetime and for so long as any of them retains ownership and continues to reside on the parcel of, hereinafter described, located in the towns of Uxbridge and Douglas, shall for all purposes be residents of the town of Uxbridge with all rights and privileges of domicile in the town of Uxbridge attached thereto.

Said parcel is shown on a plan of land recorded in the Worcester District Registry of Deeds, Plan Book 314 Plan 117.

**SECTION 2.** Notwithstanding the provisions of section eleven of chapter fifty-nine of the General Laws, or any other general or special law to the contrary, the assessor of the town of Uxbridge only shall assess the parcel described in section one and the town of Uxbridge only shall provide said parcel, and Charles H. Brundage, Mary H. Brundage and Mark A. Brundage all municipal services provided to other parcels and residents of the town of Uxbridge. The assessor of the town of Douglas and the town of Douglas shall have no obligations to assess or provide services to said parcel or individuals as long as the terms of this special act continue in effect.

**SECTION 3.** Nothing in this act shall be construed to affect, alter or change the boundary line of said towns as presently established or as may be hereafter established pursuant to provisions of law.

**SECTION 4.** The provisions of sections one and two of this act shall cease to be operative on the last day of the fiscal year in which Charles H. Brundage, Mary H. Brundage and Mark A. Brundage sell or transfer their entire ownership of said parcel or when none occupies said parcel as their domicile, or on the death of Charles H. Brundage, Mary H. Brundage and Mark A. Brundage.

**SECTION 5.** This act shall take effect as of February fifth, nineteen hundred and sixty-eight.

Approved December 8, 1987.

---

**Chapter 562. AN ACT RELATIVE TO THE BOARD OF LIBRARY TRUSTEES AND THE DOG OFFICER IN THE TOWN OF BLACKSTONE.**

---

**ACTS, 1987. – Chap. 563.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 3-3 of Article 3 of the charter of the town of Blackstone, which is on file in the office of the archivist of the commonwealth, as provided by section twelve of chapter forty-three B of the General Laws, is hereby amended by striking out, in line 34, the words "Board of Library Trustees 3 3" and inserting in place thereof the following:-

Board of Library Trustees 5 3

**SECTION 2.** Section 5-2 of Article 5 of said charter which is on file in said office of the archivist is hereby amended by striking out, in line 8, the words "dog officer" and inserting in place thereof the words:- animal control officer.

**SECTION 3.** Members of the board of library trustees in office on the effective date of this act shall continue to serve the balance of their existing terms.

**SECTION 4.** In the year nineteen hundred and eighty-eight, the board of selectmen of said town of Blackstone, shall appoint two additional members to the board of library trustees for three year terms.

Approved December 8, 1987.

---

**Chapter 563. AN ACT PROVIDING FOR TRANSFER OF THE HANGAR AT THE FITCHBURG MUNICIPAL AIRPORT TO THE CITY OF FITCHBURG.**

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 structure being used as an airplane hangar located in the city of Fitchburg, to the city of Fitchburg, subject to the requirements of sections two, three, and four and to such additional terms and conditions as the deputy commissioner may prescribe, in consultation with the military division. Said structure being located on land within the city of Fitchburg Municipal Airport and described and bounded as follows:

Beginning at the southwest corner, said point being 100 feet easterly from the centerline of the number two tax strip and 70 feet northerly of the north side of multiple hangar as projected; thence N. 82° 44' E. 553 feet to the west sideline of the proposed Crawford Street relocation; thence N. 23° 10' W. by the westerly line of the proposed Crawford Street relocation 1,321 feet to a point of curve; thence still by the

---

**ACTS, 1987. – Chap. 564.**

westerly line of the proposed Crawford Street relocation by a curved line to the left, radius 970 feet, a distance of 161 feet, more or less, measured on the arc to an angle; thence S. 8° 10' W. on a parallel with the centerline of the number two runway and 350 feet therefrom, a distance of 513 feet, more or less, to an angle; thence S. 7° 16' 10" E. on a line parallel with the centerline of the number two taxi strip and 100 feet therefrom, a distance of 940 feet to the place of beginning.

**SECTION 2.** No deed conveying by or on behalf of the commonwealth the property described in section one shall be valid unless such deed provides that said property shall be used as an airplane hangar.

**SECTION 3.** In the event that the structure is not used for the purpose described in section two or the city of Fitchburg ceases to use the structure for such purpose in the future, the structure shall revert to the commonwealth under such terms and conditions as the deputy commissioner may prescribe.

**SECTION 4.** The city of Fitchburg shall assume the costs of appraisals, surveys and other expenses as deemed necessary by the deputy commissioner for the conveyance of this structure.

Approved December 8, 1987.

EMERGENCY LETTER: December 9, 1987 @ 9:26 A.M.

---

**Chapter 564. AN ACT PROVIDING FOR AN ENVIRONMENTAL  
ENHANCEMENT AND PROTECTION PROGRAM FOR  
THE COMMONWEALTH.**

Be it enacted, etc., as follows:

**SECTION 1.** To provide for a program of studies, preparation of plans, construction, reconstruction, alteration, and improvement of various state properties, and for the purchase of certain properties, including the purchase of furnishings, and equipment, the sums set forth in sections two to thirty-four, inclusive, for the several purposes and subject to the conditions specified under said sections two to thirty-four, inclusive, are hereby made available, subject to the provisions of law regulating the disbursement of public funds and the approval thereof.

**SECTION 2.**

**EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.**

Item

1102-9883) For the purposes of item 1102-8842 of chapter  
1102-8842) seven hundred and twenty-three of the acts

---

ACTS, 1987. - Chap. 564.

of nineteen hundred and eighty-three; to be in addition to the amount appropriated in said item

\$7,000,000

2000-8881 For a study and the preparation of plans, if necessary, and repairs and improvements to public wharfs in the commonwealth; provided, however, that twenty-five per cent of the costs of any project funded herein shall be provided by a match from federal, local or private sources

\$6,000,000

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

2120-8881) For a study and the preparation of plans, acquisition of land, development, furnishings and equipment, and associated costs in connection with the Urban Heritage State Park Programs in North Adams, New Bedford, Fall River, Gardner, Holyoke, Lawrence, Lynn, Lowell, Springfield, in the Turners Falls District of the town of Montague, in the Dorchester and Roxbury districts of the city of Boston, in the town of Milton, and in the Blackstone River and Canal Heritage State Park; provided further, that no less than three million dollars shall be expended for the development and reconstruction of the Urban Heritage Park in the city of Lynn; provided, however, that said funds be expended pursuant to chapter five hundred and twelve of the acts of nineteen hundred and eighty; and provided, further, that the department of environmental management file biannual progress reports detailing the status of each park, expenditures to date, types of expenditures and projected costs of completion with the house and senate committees on ways and means and with the secretaries of administration and finance and environmental affairs; said reports to be filed on or before April first and October first, commencing in the calendar year nineteen hundred and eighty-eight. Amounts appropriated herein to be in addition to amounts appropriated in item 2120-9801 of section two of chapter seven hundred and ninety-eight of the acts of nineteen hundred and seventy-nine and in item 2120-8844 of

---

**ACTS, 1987. - Chap. 564.**

	section two B of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three and section two of chapter four hundred and forty-one of the acts of nineteen hundred and eighty-four	\$38,000,000
2120-8882) For	a study which shall include an inventory, and	
2120-8841)	the preparation of plans, if necessary, and for the acquisition, rehabilitation and restoration of the Olmsted Parks in the commonwealth; provided that the department of environmental management is hereby authorized to make grants to municipalities for studies, planning, engineering services, and for construction and the restoration of said Olmsted Parks. Amounts appropriated herein to be in addition to amounts appropriated in item 2120-8841 of section four of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three	\$17,000,000
2120-8883) For	a continuous program of cleaning and dredging and flood control improvements for harbors and inland waters and for projects affecting tidal interchange. Amounts herein appropriated shall be in addition to amounts appropriated in item 2120-7849 of section four of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three	\$8,000,000
2120-7849)		
2120-8884 For	the control of algae and weeds and the clean-up of Long Pond in the town of Tewksbury	\$200,000

**DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING.**

2200-7886 For	the purpose of conducting a study of the North River in Salem, including a site examination and screening of potential treatment and disposal methods and containment sites for materials removed, followed by a full scale pilot study conducted by the department. The pilot study may include the performance and evaluation of several dredging, treatment, disposal and containment options for the North River's contaminated sediments. Data collected from said pilot study activities shall be used to select the most feasible alternatives for the mitigation of impacts from the North River contaminated sediments on public health and the environment	\$1,400,000
---------------	--	-------------



**METROPOLITAN DISTRICT COMMISSION.**  
**Watershed Management Division.**

- 2420-8881 For repairs, renovations, and if necessary, for studies and engineering designs, of water supply dams; for improvements of water purification systems; for repairs and renovations of the Watershed Management Division's facilities; and for the maintenance of the Rutland-Holden sewer \$3,000,000

**Parks Division.**

- 2440-8881 For the restoration and relocation of the pavilions, bandstand and seawall at Revere Beach \$7,000,000
- 2440-8882) For the demolition, construction and alteration to  
2440-8816) Nantasket Beach bath house in Hull, including sitework, the costs of furnishings and equipment, and any other costs related thereto; to be in addition to the amount appropriated in item 2440-8816 of chapter seven hundred and seventy-eight of the acts of nineteen hundred and eighty \$2,900,000
- 2440-8817 For the restoration of the Johnson Playground in Jamaica Plain \$500,000
- 2440-8883 For the acquisition of Brook Farm in the West Roxbury section of the city of Boston, and for the preparation of plans, if necessary, and for the development of a park at the site, including but not limited to, infrastructure repairs, basic improvements and furnishings and equipment \$3,000,000
- 2440-8884) For the acquisition of land and for the construction of flood control improvements and  
2440-8840) developments to provide local flood protection to the Town Brook Basin in the city of Quincy; provided, however, that funds appropriated herein shall be limited to the scope and extent of the combined federal and state project and shall not be used for acquisitions, improvements or developments that are not also participated in by federal funds; to be in addition to the amount appropriated in item 2440-8840 of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three \$10,200,000
- 2440-8885) For studies and the preparation of plans, if  
2440-8796) necessary, and for the purchase of land, if  
2440-9814) needed for demolition, construction, recon-

---

**ACTS, 1987. – Chap. 564.**

2444-7872)      struction, and rehabilitation including furnishings and equipment, of existing or new metropolitan district commission facilities and structures, including the completion of a greenbelt from Castle Island to the Blue Hills Reservations, as the case may be, located in MDC's Southern Shores Target Area. Funds approved herein shall be in addition to amounts appropriated in item 2440-8796 of chapter five hundred and thirteen of the acts of nineteen hundred and seventy-eight, item 2440-9814 of chapter five hundred and seventy-eight of the acts of nineteen hundred and eighty, and item 2444-7872 of chapter three hundred and three of the acts of nineteen hundred and eighty-seven      \$12,800,000

**SECTION 3.** The secretary of environmental affairs is hereby authorized to expend a sum not exceeding thirty million dollars for the acquisition of property, easements, rights in development and associated costs on properties within the Quabbin, Ware river, Wachusett and Sudbury watersheds for the protection of the water resources of the commonwealth. Said funds shall be allocated by the comptroller to the department of fisheries, wildlife and environmental law enforcement and the metropolitan district commission pursuant to schedules filed with the comptroller. For all purposes of other general and special laws debt service on bonds issued for extending the watershed of the metropolitan district commission's division of watershed management shall be deemed debt service of the division, and such extensions by said division made pursuant to this section shall be considered a capital improvement for the purposes of section one hundred and thirteen of chapter ninety-two of the General Laws. Amounts appropriated in this section shall be in addition to amounts previously appropriated for this purpose.

**SECTION 4.** The secretary of environmental affairs is hereby authorized to expend a sum not exceeding ten million dollars for grants to cities and towns for the improvement of public coastal facilities pursuant to the provisions of chapter twenty-one F of the General Laws. The amount hereby appropriated shall be in addition to any funds previously appropriated for this purpose.

**SECTION 5.** The secretary of environmental affairs is hereby authorized to expend a sum not exceeding ten million dollars for the purposes of establishing a grant program to cities and towns and state agencies and commissions for studies and the preparation of plans, if necessary; and for the purchase of land, if needed; for demolition, construction, reconstruction and rehabilitation, including furnishings and equipment, of recreational facilities in urban areas throughout the commonwealth with high population density, as determined by said

secretary. Not less than one-half of the funds appropriated herein shall be used by the metropolitan district commission or for grants to cities and towns within the jurisdiction of metropolitan district commission, and not less than thirty-five per cent of the funds authorized herein shall be obligated for the city of Lawrence for the acquisition of land and the construction of recreational facilities in said city.

**SECTION 6.** The secretary of the executive office of environmental affairs is hereby authorized to expend a sum not exceeding ten million dollars for the purpose of establishing an emergency land conservation grant program to cities, towns and state agencies or commissions within said secretariat. Grants authorized herein shall be issued for emergency land acquisitions, the purchase of development restrictions, easements or other interests in land acquired through eminent domain proceedings and any costs incurred by a city or town for compensating a land owner resulting from local zoning decisions, including any legal fees incurred by such city or town for defending such zoning decisions. Said emergency grants may only be issued to a city, town and state agencies or commissions for said purposes when said secretary determines that no other source of funds is available and the purpose for which a grant is requested is of extreme environmental sensitivity and requires state intervention to ensure the preservation of the public health, welfare or environment. Said secretary shall not award grants to any city, town and state agency or commission for a project that, in the opinion of said secretary and the secretary of the executive office of communities and development, is unreasonably restrictive of housing, particularly housing for low and moderate income families or economic development; provided, however the secretary of the executive office of environmental affairs shall state his reasons for denying a grant based on restrictive housing or restrictive economic development in writing to any grant applicant. Said secretary shall establish regulations for the purpose of carrying out the provisions of this section.

**SECTION 7.** The secretary of the executive office of environmental affairs is hereby authorized to expend two million dollars for the boatyard preservation restrictions program as set forth in this section for land actively devoted to construction, repair, maintenance or storage of commercial or recreational vessels.

There is hereby established a boatyard preservation restriction program within the division of coastal zone management. The director of said division may purchase boatyard preservation restrictions from any boatyard owner in the commonwealth subject to the approval of the secretary of the executive office of environmental affairs upon the recommendation of the boatyard preservation committee established hereunder, based on an application from the city or town wherein a boatyard is located. The director shall establish rules, regulations and criteria for the boatyard preservation program, provided, however, that such rules, regulations and criteria shall at a minimum guarantee public coastal access at any boatyard which participates in this program

including, but not limited to, right-of-passage on the beach area and, to the extent possible as determined by said director in consultation with said secretary, public boat launching access at such boatyards. Title to boatyard preservation restrictions purchased hereunder shall be held in the name of the commonwealth; provided, however, that said director may establish regulations, subject to the approval of said secretary, and establish standards which would enable an interested city or town to administer the preservation restriction in such city or town. Said director, subject to the approval of said secretary, shall pay for boatyard preservation restrictions an amount recommended by the boatyard preservation committee; provided, however, that such amount shall not exceed the difference between the fair market value of such land and the fair market value of such land if it is restricted to marine construction, repair and storage purposes.

There is hereby created a boatyard preservation committee in the office of coastal zone management, the members of which shall be the director of coastal zone management, who shall be chairman, the secretary of economic affairs, the director of the office of state planning, or their respective designees, and three members appointed by the governor, two of whom shall be owners and operators of boatyards in the commonwealth. Said committee shall evaluate and reject or recommend projects submitted by cities and towns to the director of the division of coastal zone management. In so evaluating, the committee shall consider at a minimum the following:-

(1) The suitability of land as to amount of waterfront property and other criteria for boatyards use.

(2) The fair market value of such land and the fair market value of such land when used for boatyard purposes as determined by independent appraisals.

(3) The degree to which the acquisition would serve to preserve the marine construction, repair, maintenance and storage potential of the commonwealth. The director of coastal zone management may establish such rule and regulations as may be deemed necessary to carry out the purposes of this section.

A boatyard preservation restriction means a right, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land appropriate to retaining land or water areas predominantly in their use for marine construction, maintenance, storage and repair, to forbid or limit any and all (a) construction or placing of buildings except for those used for marine construction, maintenance, storage and repair purposes or for dwellings used for family living by the land owner, his immediate family or employees;

(b) excavation, dredging, or removal of loam, peat, gravel, soil, rock or other mineral substance in such a manner as to adversely affect the land's overall future potential for use as a boatyard; and (c) other acts or uses detrimental to such retention of the land for use as a boatyard. Such boatyard preservation restrictions shall be in perpetuity.

**SECTION 8.** The secretary of environmental affairs is hereby authorized to expend a sum not to exceed twenty-five million dollars for assistance to cities and towns in the acquisition of land pursuant to the provisions of section eleven of chapter one hundred and thirty-two A of the General Laws and the provisions of this section.

In awarding grants through regulations promulgated to effect the provisions of this section and said section eleven of chapter one hundred and thirty-two A, said secretary may include the following considerations in determining the total points earned for each grant application. Said secretary may award up to ten additional points to a municipality for the existence or planned acceptance of major state public institutions or facilities including but not limited to state and county prisons, mental health facilities, regional solid waste facilities, federal and state military reservations, excluding institutions of public higher education, within said municipality. Said secretary may award up to ten additional points to a municipality which has voted to override any local debt limit or property tax limit for the purpose of providing funds to purchase open space in the preceding two fiscal years.

Notwithstanding the provisions of said section eleven of said chapter one hundred and thirty-two A or any other general or special law to the contrary, grants awarded from funds authorized herein shall be for up to ninety per cent of the total cost of the approved project, including study, design and acquisition. For the purposes of this section, all municipalities in the state shall be divided into deciles based on the relative ranking of equalized property valuations per capita of all municipalities in the state, as determined by the secretary of administration and finance. Municipalities in the decile ranking of the lowest property valuations per capita shall be eligible for up to a ninety per cent state reimbursement of the total approved cost and municipalities in each subsequently higher decile shall be eligible for up to three per cent less than the immediately preceding decile.

The secretary of environmental affairs is hereby authorized to grant up to an additional ten per cent to the percentage a municipality is eligible for, as determined by the provisions of the preceding paragraph, if said secretary determines the municipality to be one of extreme critical need or if the proposed project is one of particular environmental sensitivity. No more than five municipalities per year shall be designated to be in need of the additional ten per cent or less grant.

Said secretary shall set aside twenty per cent of the funds authorized within this section for the purposes of awarding grants to municipalities who are included within the lowest two deciles of equalized property valuations per capita of all municipalities in the state. Said secretary shall actively encourage applications from said municipalities within each grant round and shall provide technical assistance to said municipalities to assist with the application process.

**SECTION 9.** The secretary of environmental affairs is hereby authorized to expend a sum not to exceed thirty million dollars for

assistance to cities and towns in the acquisition and development of land pursuant to the provisions of chapter nine hundred and thirty-three of the acts of nineteen hundred and seventy-seven and the provisions of this section.

Of the amount authorized herein, said secretary is hereby authorized to expend a sum not exceeding two million dollars to assist towns with a population of fewer than thirty-five thousand residents to acquire land for municipal park and recreation purposes and for the restoration and rehabilitation of such municipal park and recreation lands in accordance with the requirements and procedures of chapter nine hundred and thirty-three of the acts of nineteen hundred and seventy-seven; provided further, that of said two million dollars, no grant shall exceed fifty thousand dollars for any single project.

In awarding grants through regulations promulgated to effect the provisions of this section and said section eleven of said chapter one hundred and thirty-two A, said secretary may include the following considerations in determining the total points earned for each grant application. Said secretary may award up to ten additional points to a municipality for the existence or planned acceptance of major state public institutions or facilities including but not limited to state and county prisons, mental health facilities, regional solid waste facilities, federal and state military reservations, excluding institutions of public higher education, within said municipality. Said secretary may award up to ten additional points to a municipality which has voted to override any local debt limit or property tax limit for the purpose of providing funds to purchase open space in the preceding two fiscal years.

Notwithstanding the provisions of said chapter nine hundred and thirty-three or any other general or special law to the contrary, grants awarded from funds authorized herein shall be for up to ninety per cent of the total cost of the approved project, including study, design and acquisition. For the purposes of this section, all municipalities in the state shall be divided into deciles based on the relative ranking of equalized property valuations per capita of all municipalities in the state, as determined by the secretary of administration and finance. Municipalities in the decile ranking of the lowest property valuations per capita shall be eligible for up to a ninety per cent state reimbursement of the total approved cost and municipalities in each subsequently higher decile shall be eligible for up to three per cent less than the immediately preceding decile.

The secretary of environmental affairs is hereby authorized to grant up to an additional ten per cent to the percentage a municipality is eligible for, as determined by the provisions of the preceding paragraph, if said secretary determines the municipality to be one of extreme critical need or if the proposed project is one of particular recreational importance. No more than five municipalities per year shall be designated to be in need of the additional ten per cent or less grant.

Said secretary shall set aside twenty per cent of the funds authorized within this section for the purposes of awarding grants to municipalities who are included within the lowest two deciles of equalized property

valuations per capita of all municipalities in the state. Said secretary shall actively encourage applications from said municipalities within each grant round and shall provide technical assistance to said municipalities to assist with the application process.

**SECTION 10.** The secretary of environmental affairs is hereby authorized to expend a sum not exceeding five hundred thousand dollars for the development of statewide planning and land management capabilities and to facilitate coordination of the various land acquisition and development programs under the jurisdiction of the executive office, including but not limited to programs initiated by the departments of environmental management, food and agriculture, environmental quality engineering, fisheries, wildlife and environmental law enforcement, and the metropolitan district commission; and for the preparation of a report detailing all land owned by the state and managed by the executive office of environmental affairs or its constituent agencies and the purposes used therefor, said report to be filed with the clerk of the house of representatives who shall forward the same to the joint committee on natural resources and the house and senate committees on ways and means by February first, nineteen hundred and eighty-eight and updated periodically thereafter; and for the study of the need for a program to protect lands around drinking water reservoirs.

**SECTION 11.** The commissioner of the department of environmental management is hereby authorized to expend a sum not to exceed six million three hundred thousand dollars for the costs of planning, study, design, acquisition, engineering, construction, reconstruction, improvement and expansion of recreational facilities, including costs of equipment related thereto. Amounts appropriated herein shall be in addition to any funds previously appropriated for this purpose.

**SECTION 12.** The commissioner of the department of environmental management is hereby authorized to expend a sum not exceeding eleven million two hundred thousand dollars for the acquisition of land and associated costs in connection herewith to continue a program for the protection and enhancement of the state parks system, including acquisition of land and interests therein situated in or adjacent to state parks, state forests, state reservations, or other protected land permanently open to the public; provided, further, that no less than five hundred thousand dollars be expended for the acquisition and development of a public beach at Lake Lorraine in the city of Springfield.

The commissioner may initiate said program in cooperation or in conjunction with one or more nonprofit organizations whose purposes are consistent with the objectives of this section; provided, however, that said property shall be held by the department of environmental management for the purpose of conservation and recreation under the provisions of chapter one hundred and thirty-seven A of the General Laws. The amount hereby appropriated to be in addition to any funds previously appropriated for this purpose.

**SECTION 13.** The commissioner of the department of environmental management is hereby authorized to expend a sum not exceeding ten million dollars for a program of grants to cities and towns for the purpose of planning, design, acquisition, development and associated costs in connection with the rehabilitation and restoration of commons and squares in city and town centers; provided, however, that the city of Worcester shall receive not less than four per cent of the funds appropriated herein. The amount hereby appropriated shall be in addition to any funds previously appropriated for this purpose.

**SECTION 14.** The commissioner of the department of environmental management is hereby authorized to expend a sum not exceeding twenty-eight million five hundred thousand dollars for the acquisition of lands fronting on rivers and for the design and construction of recreational facilities thereon, including associated costs for conservation and recreation purposes, provided that not less than five hundred thousand dollars of the amount authorized herein be obligated and expended for the purposes of an interagency agreement between said department and the department of public works for the purposes of a study, design, planning, engineering, acquisition, development and related and associated costs for improvement of lands within or adjacent to traffic reconstruction projects of the department of public works. The amount hereby appropriated shall be in addition to any funds previously appropriated for this purpose.

**SECTION 15.** The commissioner of the department of environmental management is hereby authorized to expend a sum not exceeding three million dollars for a study, and the preparation of plans, if necessary, and for development of Maudsley State Park in the city of Newburyport, including costs of furnishings and equipment and interpretive exhibits.

**SECTION 16.** The commissioner of the department of environmental management is hereby authorized to expend a sum not exceeding one hundred and fifty thousand dollars to prepare and implement a comprehensive regional open space program for the towns of Bellingham, Blackstone and Franklin.

**SECTION 17.** The commissioner of the department of environmental management is hereby authorized to expend a sum not exceeding two million dollars for planning and a program of grants to municipalities for the purpose of design, construction, engineering, site improvements, and associated costs in connection with the rehabilitation and restoration of lighthouse structures and adjacent land; provided, however, that any and all grants shall be matched with a fifty per cent cash or in-kind grant for the costs of such projects from federal, local or private sources; and provided, further, than any municipality receiving a grant from funds appropriated herein shall, as a condition of any such grant, agree to provide maintenance thereof and permit access to any such structure and adjacent land to the general public in accordance with a long-term agreement with said department.



**SECTION 18.** The commissioner of environmental management is hereby authorized to expend a sum not exceeding ten million dollars for acquisition as authorized by section one of chapter seven hundred and forty-two of the acts of nineteen hundred and seventy and for studies, the preparation of plans, and for the design, construction, development and associated costs, including costs of equipment and furnishings, of recreational facilities in the Boston Harbor Islands State Park, for the rehabilitation and improvement of existing park facilities, and for the purpose of entering into agreements with the city of Boston for the development and associated costs of recreational facilities on Boston Harbor Islands owned by the city.

The city of Boston is hereby authorized to receive and expend funds from the department of environmental management for studies, the preparation of plans, and for design, construction, development and associated costs, including the costs of furnishings and equipment, of recreational facilities on the Boston Harbor Islands, subject to the terms of an agreement with the commissioner of environmental management relative to the use of said funds. All such funds shall be expended by the city of Boston only in accordance with said agreement, and the agreement shall be subject to the approval of the secretary of administration and finance. The department of environmental management may obtain title or lesser interest in land on the Boston Harbor Islands owned by the city of Boston which is to be developed for recreation or conservation.

**SECTION 19.** The commissioner of the department of environmental management is hereby authorized to expend a sum not exceeding forty million dollars for the acquisition of land and easements in land fronting saltwater, whether containing beaches or otherwise, and associated costs herewith, for the purpose of continuing a long-term program of providing and ensuring conservation of, and public access to, saltwater front properties; provided, however, that said commissioner may expend funds appropriated herein for the acquisition of land and easements in land fronting freshwater rivers within the coastal zone and associated costs herewith. The amount hereby appropriated shall be in addition to any funds previously appropriated for this purpose.

**SECTION 20.** The commissioner of the department of environmental management is hereby authorized to expend a sum not exceeding two million two hundred and fifty thousand dollars for a grant program to cities and towns for rehabilitation and repair of federally constructed local flood protection projects and dam repairs; provided, however, that not more than seven hundred and fifty thousand dollars may be expended for grants to cities and towns for dam repairs. The grants authorized in this section shall be issued in accordance with guidelines and criteria established by said department; provided, further, for the purpose of meeting the eligibility requirements for dam repair grants authorized in this section, a city or town may accept a transfer of ownership of a dam from a private entity; provided, however, that upon application for dam

repair grants, a city or town accepting transfer of ownership of a dam from a private entity must provide proof to said commissioner that ownership of such dam has been legally transferred to such city or town.

**SECTION 21.** The commissioner of the department of environmental management is hereby authorized to expend three million dollars for the development, construction and associated cost for the Pope Island marina in the city of New Bedford. The amounts appropriated in this section shall be in addition to any funds previously appropriated for this purpose.

**SECTION 22.** The commissioner of the department of environmental management is hereby authorized to expend a sum not exceeding six million dollars to initiate a program to preserve, protect and enhance the integrity and beauty of coastal properties and beaches owned by said department, said sum to cover costs including, but not limited to, studies, preparation of plans, if necessary, construction and reconstruction, renovation and maintenance of existing buildings, roads, parking lots, drainage structures, walkways, fences, and other improvements, revegetation, reconstruction and protection of dunes; improving public access; and conformance with coastal and other environmental laws and regulations.

**SECTION 23.** The commissioner of the department of environmental management is hereby authorized to expend a sum not exceeding five million dollars for the study and the preparation of plans, if necessary, and associated costs for the acquisition and development of trails in the commonwealth. The amount hereby appropriated shall be in addition to any funds previously appropriated for this purpose.

**SECTION 24.** The commissioner of the department of environmental management is hereby authorized to expend a sum not exceeding two million dollars for development, rehabilitation and maintenance costs in the underutilized parks and forests in the Northern Tier, so-called, particularly in the Wendell, Erving, and Warwick State Forests; said sum to cover costs including, but not limited to, studies; preparation of plans; if necessary; construction and reconstruction, renovation, repair and maintenance of necessary and existing buildings and structures, including boat ramps, bridges, and dams, roads, fences, parking lots, trails, camp grounds, utility systems, signs; acquisition and maintenance of equipment; and other costs of improvements for protection and enhancement of natural resources in said forests.

**SECTION 25.** The division of capital planning and operations is hereby authorized to transfer the control and jurisdiction of a certain parcel of land, and buildings located thereon, in the city known as the town of Methuen, such parcel being bounded and described as set forth in section two of chapter six hundred and six of the acts of nineteen hundred and eighty-two, to the department of environmental management.

The department of environmental management is hereby authorized to expend a sum not exceeding one million dollars for the purpose of development and associated costs in connection with the establishment of a public passive recreational park thereon.

The deputy commissioner of the division of capital planning and operations, acting for and on behalf of the commonwealth, as provided in section forty F of chapter seven of the General Laws, is hereby authorized to convey to the city known as the town of Methuen, by deed approved as to form by the attorney general, the parcel of land referred to in the first paragraph of this section upon completion of development by the department of environmental management of a public passive recreation park thereon; provided, however, that said city demonstrates to the department the ability to maintain said property and enters into an agreement with said department and division to maintain said property as a passive recreation park which shall be open to the general public.

**SECTION 26.** The commissioner of the department of environmental management is hereby authorized to grant to the counties of Hampden and Hampshire an amount not to exceed two hundred and ten thousand dollars for the purpose of conducting a management plan and boundary survey of Mount Tom reservation located in the city of Holyoke, such grant to be in accordance with such terms and conditions as are determined by the department.

**SECTION 27.** The department of environmental quality engineering is hereby authorized to expend a sum not to exceed fifteen million dollars for grants to cities, towns and districts for the acquisition of lands and waters and easements by said cities, towns, and districts to protect and conserve groundwater aquifers and recharge areas, surface water supplies and watershed areas, and surface or underground lands adjacent to said resources, for the protection of water that is determined by said department to be of potential use for water supply purposes, consistent with section one hundred and sixty of chapter one hundred and eleven of the General Laws; provided, however, that any such grants approved by the department and provided hereunder to cities, towns and districts may be for up to eighty per cent of the eligible costs of such projects; and provided further, that the department of environmental quality engineering shall establish standards and guidelines for the administration and disbursement of said funds and criteria for the receipt of such funds with the approval of the water resources commission. No city, town, district or commission shall receive such assistance unless it has adopted or is in the process of adopting a local water resources management plan pursuant to regulations established by the water resources commission. The amount hereby appropriated shall be in addition to any funds previously appropriated for this purpose. The department is directed to develop guidelines and standards relative to the protection of potability of surface water. Said standards shall be made available to municipalities of the commonwealth for the purpose of

adopting local regulations to protect surface water supplies.

The department may accept, and expend on behalf of the commonwealth, without further appropriation, funds provided by any federal program for these purposes. The department may enter into contracts with agencies of the United States to obtain federal grants or reimbursements under related federal programs.

**SECTION 28.** The commissioner of the department of environmental quality engineering, pursuant to section fifteen, may, subject to available funds and subject to criteria which said commissioner may establish pursuant to said section, acquire land or easements surrounding Silver Lake in the town of Kingston.

**SECTION 29.** The commissioner of the department of fisheries, wildlife and environmental law enforcement is hereby authorized to expend a sum not exceeding thirty million dollars for the acquisition of lands and associated costs for: (a) lands fronting on rivers and streams, including cold water streams; (b) wildlife lands and corridors; (c) land adjacent to conservation lands; and (d) lands identified as rare and endangered (animal or plant) species habitat provided, however, that not less than twenty per cent of the funds expended under this section shall be expended on properties within the coastal zone as defined by the Massachusetts office of coastal zone management, including coastal anadromous stream, provided further, however, that the comptroller shall allocate amounts herein appropriated for the purpose identified in clauses (a), (b), (c), and (d) pursuant to schedules filed with the comptroller by the secretary of environmental affairs based on recommendations filed with said secretary by the commissioner of the department of fisheries, wildlife and environmental law enforcement; provided, however, that said schedules shall also be filed with and approved by the house and senate committees on ways and means; provided, further, said schedules shall be deemed approved if, within twenty-one days of receipt of said schedules by either committee, no action is taken by either committee. Said schedules shall correspond, to the extent feasible, to the proportional expenditures proposed by the October nineteen hundred and eighty-six Plan of the department of fisheries, wildlife and environmental law enforcement entitled "capital outlay request - a five point ten year plan land of acquisition". The amount hereby appropriated to be in addition to any funds previously appropriated for this purpose.

**SECTION 30.** The commissioner of the department of fisheries, wildlife, and environmental law enforcement is hereby authorized to expend a sum not exceeding one million five hundred thousand dollars for the acquisition and development of land on lake, pond, saltwater and riverfront property for the purposes of providing public access. The amount hereby appropriated to be in addition to any funds previously appropriated for this purpose.

**SECTION 31.** The commissioner of the department of food and agriculture is hereby authorized to expend a sum not exceeding thirty-five million dollars for a program to acquire agricultural preservation restrictions pursuant to sections eleven A to eleven D, inclusive, of chapter one hundred and thirty-two A of the General Laws.

Any person or entity who receives funds from the amounts authorized herein shall be encouraged to participate in any and all programs of the department of food and agriculture as may be suggested by the commissioner of the said department. These programs may include, but not be limited to, integrated pest management, pesticide regulation and reduction, agri-composting, etc. The agricultural lands preservation committee shall prioritize the allocation of funds awarded herein for the acquisition of agricultural preservation restrictions on those lands deemed to be of significance to the protection and preservation of the commonwealth's agricultural balance. The amount hereby appropriated shall be in addition to any funds previously appropriated for the purpose.

**SECTION 32.** The commissioner of the metropolitan district commission is hereby authorized to expend a sum not exceeding forty-eight million dollars for land acquisition and related improvements on properties within the metropolitan park district, and, land in and around rivers, streams, ponds and marshes, including Constitution beach in the East Boston section of the city of Boston, within the jurisdiction of the metropolitan district commission to provide or enhance public access to or enjoyment of such rivers, streams, ponds and marshes. Notwithstanding the provisions of any general or special law to the contrary, the metropolitan district commission is hereby authorized to carry out site clearance including demolition of structures, and preparation, relocation, reclamation and development which said commission deems necessary and appropriate to restore and improve the natural setting of said land, rivers, streams, ponds and marshes and improve the water quality thereof. The amounts hereby appropriated shall be in addition to any funds previously appropriated for this purpose.

**SECTION 33.** The metropolitan district commission is hereby authorized to expend a sum not exceeding five hundred thousand dollars to renovate and refurbish the Ventura street playground, located at Suffolk county within the metropolitan district commission parks reservation area.

**SECTION 34.** The commissioner of the metropolitan district commission is hereby authorized to expend a sum not exceeding five million dollars for studies, the preparation of plans, and for design, construction, development and associated costs, including the costs of furnishings and equipment, of recreational facilities in the Boston Harbor Islands State Park and for the improvement and rehabilitation of existing park facilities.

**SECTION 35.** Notwithstanding the provisions of section thirteen of

chapter six hundred and twenty-nine of the acts of nineteen hundred and eighty-two, clause (K) of section five of chapter six hundred and six of the acts of nineteen hundred and fifty-eight, sections seven and fourteen of said chapter six hundred and six, or any other special or general law to the contrary, the Massachusetts Convention Center Authority shall not construct a two-lane traffic tunnel under the Public Garden, Charles Street and Boston Common from Commonwealth avenue at or near Arlington Street, all within the city of Boston, to the Boston Common Garage within boundaries substantially as follows:-

Beginning at a point on Commonwealth avenue at about midway between Arlington street and Berkley street and running in an easterly direction on and under Commonwealth avenue, and under Arlington street, the Public Garden and Charles street at a location on Charles street approximately midway between Beacon and Boylston streets to the garage, so located as not to disturb permanently the Washington Monument or the bridge over the Public Garden pond, as authorized by the former clause (H) of section two of said chapter six hundred and six; nor any other tunnel or structure under said Public Garden.

**SECTION 36.** The department of fisheries, wildlife and environmental law enforcement may acquire lands identified as rare and endangered species habitat by taking such lands by eminent domain under the provisions of chapter seventy-nine of the General Laws using the funds appropriated by section twenty-nine of this act, or section nine J of chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-three, or funds in the Nongame Wildlife Fund established by section five B of chapter one hundred and thirty-one of the General Laws and appropriated for land acquisition purposes.

**SECTION 37.** Each agency acquiring land or interest in land pursuant to the provisions of sections three, twelve, nineteen, twenty-nine, and thirty-one, may expend an amount not exceeding five per cent of the amount appropriated to such agency in said sections for the purpose of reimbursing nonprofit land conservation organizations or land trusts for their reasonable expenses directly associated with the acquisition of land or interests in land subsequently conveyed to the commonwealth. Reimbursements shall be made at the discretion of each agency, subject to the approval of the secretary of the executive office of administration and finance. The executive office of administration and finance shall determine by regulation what shall constitute reasonable expenses. Any organization receiving a reimbursement pursuant to this section shall convey such land or interest in land to such agency for an amount not exceeding the actual purchase price paid by such organization for such land or interest in land in addition to any reimbursement received pursuant to this section.

**SECTION 38.** A portion of the funds provided in sections two to thirty-four, inclusive, of this act, subject to the prior approval of the secretary of administration and finance, may be used for the costs

associated with the acquisition and development of property. Such associated costs may include the cost of legal services, appraisals, design, engineering, inspections, audits and planning. No amounts authorized pursuant to said sections two to thirty-four, inclusive, of this act, shall be used for the payment of any salaries of permanent or temporary employees of the commonwealth. No amounts authorized in said sections two to thirty-four, inclusive, of this act, shall be used by any recipient municipality for the supplementing or supplanting of normal operating expenses of any function of said municipality.

**SECTION 39.** Notwithstanding the provisions of any general or special law to the contrary, all coastal lands, including beaches, and other properties fronting on saltwater or freshwater bodies or recreational facilities acquired or improved under grants to cities, towns from funds authorized pursuant to sections eight and nine of this act, shall be open to all residents of the commonwealth and no local residency, automobile parking or other restrictions or entrance or use fees shall be imposed on such public access to such properties. The secretary of environmental affairs shall promulgate rules and regulations to enforce the provisions of this section. Said secretary may waive said access requirements if it is deemed necessary by said secretary.

**SECTION 40.** Any and all land acquisitions by a city, town, state agency or commission funded pursuant to sections two to thirty-four, inclusive, of this act shall be eligible, prior to such acquisition for an assessment by the department of environmental quality engineering of the possibility of the presence of oil or hazardous waste on said land acquisitions if said assessment is deemed warranted by the nature, location or previous uses of said land acquisition, as determined by the secretary of environmental affairs upon petition by the purchasing body. The costs of said assessment shall be assumed by the department of environmental quality engineering out of any funds available to it for the purposes of carrying out the provisions of chapter twenty-one E of the General Laws. Said assessment shall be in accordance with said department's authority and procedures as established within said chapter. Nothing in this section shall be construed to prohibit said department from carrying out its responsibilities against any party pursuant to section five of said chapter twenty-one E.

**SECTION 41.** No state agency or commission responsible for the administration of any program authorized and funded by sections two to thirty-four, inclusive, of this act shall expend or obligate more than twenty-five per cent of the total funds available for each such individual program for the purchase of one individual acquisition without the prior written approval of the secretary of the executive office of environmental affairs.

**SECTION 42.** No funds provided in sections two to thirty-four, inclusive, of this act shall be obligated or expended by any city, town or

state agency or commission for the purchase of land from the federal government, the commonwealth or any political subdivision thereof without the approval of the secretary of environmental affairs. Said secretary shall not approve said purchase unless said secretary determines in writing that failure to do so would have a significant adverse environmental impact and that the unit of government that proposes to sell the parcel in question is unable to preserve the nature and character of said parcel in a way consistent with the best interests of the commonwealth.

**SECTION 43.** The state treasurer may borrow from time to time on credit of the commonwealth such sums of money as may be necessary for the purposes of meeting payments authorized by 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-seven. Notes and the interest thereon issued under the authority of this section, notwithstanding any other provisions of this act, shall be general obligations of the commonwealth.

**SECTION 44.** To meet the expenditures necessary in carrying out the provisions of sections two to thirty-four, inclusive, the state treasurer shall, upon request of the governor, 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 five hundred million, one hundred and ten thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Environmental Enhancement and Protection Loan, Act of 1987, 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 seventeen. All interest and payments on account of principal and such obligation shall be payable from the General Fund. 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 45.** There is hereby established a special advisory committee to consist of the commissioner of the department of environmental management or his designee, the commissioner of the metropolitan district commission or his designee, and three persons to be appointed by the governor one of whom shall be a representative of the Massachusetts Municipal Association, and, one of whom shall be from the



private sector involved in recreational facilities for the purpose of making an investigation and study relative to the construction, reconstruction or management of recreational facilities, such as public skating arenas, municipal swimming pools, tennis facilities and golf courses.

Said advisory committee 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 December thirtieth, nineteen hundred and eighty-eight.

**SECTION 46.** The provisions of sections fifty-one and fifty-four of this act shall not be construed to abrogate the rights of any person in an action to establish title by adverse possession who has seized or possessed real property or an interest in real property for no less than twenty years pursuant to section thirty-one of chapter two hundred and sixty of the General Laws prior to the effective date of this act.

**SECTION 47.** Section 12 of chapter 286 of the acts of 1982, is hereby amended by striking out the sixth paragraph and inserting in place thereof the following paragraph:-

From funds made available by bonds issued pursuant to the provisions of sections twenty-one and twenty-two, said director is authorized to expend a sum, not to exceed four million dollars in any one fiscal year, for the purpose of carrying out the provisions of the Massachusetts clean lakes and great pond program as set forth in section thirty-seven A of chapter twenty-one of the General Laws; provided, however, the division shall give equal consideration to fresh and salt water lakes and ponds; and provided, further, that any funds left unexpended in any fiscal year shall also be available for expenditure in the subsequent fiscal year.

**SECTION 48.** Item 2120-8847 of section 4B of chapter 723 of the acts of 1983 is hereby amended by striking out the wording and inserting in place thereof the following:-

For the design and construction or for the acquisition of land with existing building or buildings and their reconstruction, if necessary, including furnishing and equipping of a skating rink in central Hampshire county, to be in addition to the amount appropriated in item 2630-8752 of section four of chapter five hundred and nineteen of the acts of nineteen hundred and seventy-four, and item 2120-8798 of section four of chapter five hundred and thirteen of the acts of nineteen hundred and seventy-eight; and provided, further, that upon completion, the department of environmental management shall transfer said rink to the city of Northampton for operation and maintenance.

**SECTION 49.** Said chapter 723 is hereby further amended by striking out section 9I and inserting in place thereof the following section:-

Section 9I. The commissioner of the department of fisheries, wildlife

---

**ACTS, 1987. – Chap. 564.**

and environmental law enforcement is hereby authorized to expend a sum not exceeding four million dollars for the acquisition and associated costs of land along the Farmington river for the purpose of preservation and continuation of a wilderness corridor; provided, however, that two million dollars may be transferred to the department of environmental management for the acquisition of land pursuant to schedules filed by the secretary of environmental affairs with the comptroller; and provided, further, that such sum may also be expended for the acquisition of land along urban rivers and waters of the commonwealth for the purposes of preservation of wildlife habitat and recreation.

**SECTION 50.** Section 11U of said chapter 723, as appearing in section 28 of chapter 233 of the acts of 1984, is hereby amended by striking out, in line 8, the word "twenty-eight" and inserting in place thereof the word:- thirty-five.

**SECTION 51.** Section 40E of chapter 7 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Real property, record title to which is held in the name of a state agency or the board of trustees of a state agency or similar board of a state agency, shall be deemed to be real property of the commonwealth. No deed or other instrument shall be required to effect the transfer of the commonwealth of title to such real property, but the land court department of the trial court shall, upon petition of the division of capital planning and operations, issue in the name of the commonwealth a certificate of title to any real property, title to which is registered under chapter one hundred and eighty-five in the name of a state agency or the board of trustees of a state agency or similar board of a state agency. Notwithstanding any general or special law to the contrary, no person shall acquire any rights by prescription or adverse possession in any lands or rights in lands held in the name of the commonwealth.

**SECTION 52.** The first paragraph of section 5G of chapter 59 of the General Laws, as so appearing, is hereby amended by inserting after the word "watershed", the first time it appears, in line 4, the words:- Wachusett Watershed, Sudbury watershed.

**SECTION 53.** Section 160 of chapter 111 of the General Laws, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The department of environmental quality engineering shall establish a program to assist the cities, towns and districts of the commonwealth to acquire, by purchase, gift, lease, eminent domain, or otherwise lands and waters and easements therein to protect and conserve groundwater aquifers and recharge areas, surface water resources and watersheds, and land adjacent to, or nearby said resources, as it determines necessary to meet further water resource needs of the commonwealth

---

**ACTS, 1987. – Chap. 565.**

for municipal or regional water supply. Said department shall develop criteria and procedures for the administration of said program subject to the approval of the water resources commission. No such city, town or district shall receive such assistance hereunder unless such city, town or district has adopted or is in the process of adopting a local water resources management plan pursuant to regulations established by the water resources commission.

**SECTION 54.** Section 31 of chapter 260 of the General Laws, as so appearing, is hereby amended by inserting after the word "ponds", in line 9, the words:– ; provided, further, that this section shall not bar any action by or on behalf of the commonwealth, or any political subdivision thereof, for the recovery of land or interests in land held for conservation, open space, parks, recreation, water protection, wildlife protection or other public purpose.

**SECTION 55.** This act shall take effect upon its passage.

Approved December 9, 1987.

---

**Chapter 565.     AN ACT CLARIFYING PROCEDURES FOR NOTIFYING  
GOVERNMENTAL UNITS OF CLAIMS BY EMPLOYEES  
UNDER A GROUP INSURANCE CONTRACT.**

Be it enacted, etc., as follows:

The first paragraph of section 3 of chapter 32B of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the third sentence the following two sentences:– Said policy, or policies, including policies purchased under authority of sections three A and sixteen, shall contain a requirement that the insurance company, savings bank, nonprofit hospital, medical, dental or other service corporations, other intermediary or health care organizations, shall furnish the governmental unit, or its designee, all nonconfidential claims without diagnosis on a form satisfactory to the governmental unit including, but not limited to, computer tape, disc or unlined paper reports. Said insurer may, pursuant to a contract between said insurer and said governmental unit, charge the governmental unit a reasonable fee to cover the costs of providing the nonconfidential claims in the form requested by the governmental unit.

Approved December 14, 1987.

**Chapter 566. AN ACT PROVIDING FURTHER PROTECTION FOR ELDERLY PERSONS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 14 of chapter 19A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the definition of "Geriatric evaluation process".

**SECTION 2.** Subsection (a) of section 15 of said chapter 19A, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Any physician, a medical intern, dentist, nurse, family counselor, probation officer, social worker, policeman, firefighter, emergency medical technician, licensed psychologist, coroner, registered physical therapist, registered occupational therapist, osteopath, podiatrist, executive director of a licensed home health agency or executive director of a homemaker service agency who has reasonable cause to believe that an elderly person is suffering from or has died as a result of abuse, shall immediately make a verbal report of such information or cause a report to be made to the department or its designated agency and shall within forty-eight hours make a written report to the department or its designated agency.

**SECTION 3.** Said section 15 of said chapter 19A, as so appearing, is hereby further amended by striking out subsection (d) and inserting in place thereof the following subsection:-

(d) No person required to report pursuant to the provisions of subsection (a) shall be liable in any civil or criminal action by reason of such report; provided, however, that such person did not perpetrate, inflict or cause said abuse. No other person making such a report pursuant to the provisions of subsection (b) or (c) shall be liable in any civil or criminal action by reason of such report if it was made in good faith; provided, however, that such person did not perpetrate, inflict or cause said abuse. Any person making a report under subsection (a), (b) or (c) who, in the determination of the department or the district attorney may have perpetrated, inflicted or caused said abuse may be liable in a civil or criminal action by reason of such report. No employer or supervisor may discharge, demote, transfer, reduce pay, benefits or work privileges, prepare a negative work performance evaluation, or take any other action detrimental to an employee or supervisee who files a report in accordance with the provisions of this section by reason of such report.

**SECTION 4.** Said section 15 of said chapter 19A, as so appearing, is hereby further amended by adding the following subsection:-

(f) Any privilege established by section one hundred and thirty-five of chapter one hundred and twelve or section twenty B of chapter two hundred and thirty-three relating to the exclusion of confidential communications shall not prohibit the filing of a report pursuant to the provisions of subsection (a), (b) or (c).

**SECTION 5.** Subsection (b) of section 16 of said chapter 19A, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:– If the department or its designated agency has reasonable cause to believe that an elderly person has died as a result of abuse, the death shall be reported immediately to the district attorney of the county in which the abuse occurred.

**SECTION 6.** Subsection (a) of section 18 of said chapter 19A, as so appearing, is hereby amended by striking out the fifth paragraph and inserting in place thereof the following paragraph:–

If an assessment results in a determination that the elderly person has suffered serious abuse, the department or designated agency shall report such determination to the district attorney of the county where the abuse occurred within forty-eight hours. The district attorney may investigate and decide whether to initiate criminal proceedings.

**SECTION 7.** Said section 18 of said chapter 19A, as so appearing, is hereby further amended by striking out subsection (b) and inserting in place thereof the following subsection:–

(b) The department or the designated agency shall provide or arrange for protective services in accordance with the service plan developed pursuant to the provisions of subsection (a). Protective services shall include, but not be limited to, the following: the capacity to respond to an emergency; protective services case work; the capacity to provide or arrange for a homemaker, home-health aide, transportation, legal assistance, counseling, nutrition services, guardianship and conservatorship, protective order through the court, emergency shelter, foster care, and adult day care services.

The department or the designated agency is authorized to arrange for additional services necessary to assist and protect elderly persons who have been abused, including, but not limited to, the following: medical care, mental health care and emergency financial assistance.

**SECTION 8.** Subsection (a) of section 20 of said chapter 19A, as so appearing, is hereby amended by striking out the seventh and eighth sentences and inserting in place thereof the following two sentences:– If the court determines that the elderly person lacks the capacity to retain counsel or waive the right to counsel, the court shall appoint a guardian ad litem to represent the interests of such elderly person. If, after hearing, the court determines, based on the preponderance of the evidence, that such elderly 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 elderly person.

**SECTION 9.** Said subsection (a) of said section 20 of said chapter 19A, as so appearing, is hereby further amended by adding the following three sentences:– An order for protective services for an elderly person pursuant to this subsection shall remain in effect for a period of six months, unless otherwise stipulated in such order. The court may, for good cause shown, extend an order for protective services. Such extension shall remain in effect for a period of six months, unless otherwise stipulated in such order.

**SECTION 10.** Subsection (b) of said section 20 of said chapter 19A, as so appearing, is hereby amended by striking out the fourth, fifth, sixth and seventh sentences and inserting in place thereof the following six sentences:– If the elderly person who is the subject of the petition is indigent, the court shall appoint counsel to represent such elderly person. If after the hearing, the court determines, based on the preponderance of the evidence, that the elderly person has been or is being abused, that an emergency exists, and that the elderly 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 specially designate the authorized services in its order. If the court determines that the elderly person lacks the capacity to retain counsel or waive the right to counsel, the court shall appoint a guardian ad litem to represent the interest of such elderly person following the entry of such emergency order. The order for emergency protective services shall remain in effect for a period not to exceed fourteen days. Said order may be extended for an additional period not to exceed fourteen days if the court finds that the extension is necessary to remove the emergency.

**SECTION 11.** Section 23 of said chapter 19A, as so appearing, is hereby amended by adding the following subsection:–

(e) No provision of chapter sixty-six A, section one hundred and thirty-five of chapter one hundred and twelve or this section relating to confidential data or confidential communications shall prohibit the department or designated agency from making reports to the district attorney under subsection (b) of section sixteen or subsection (a) of section eighteen, or from providing in such reports to the district attorney any information obtained by the department or a designated agency under section fifteen or section eighteen. No person providing notification or information to a district attorney or testimony in court pursuant to the provisions of this subsection shall be liable in any civil or criminal act by reason of such action.

Nothing herein shall be construed to limit the prosecutorial power of a district attorney.

No provision of chapter sixty-six A, section one hundred and thirty-five of chapter one hundred and twelve, or any other provision of law relating to confidential data or confidential communications shall prohibit the department, by its appropriate employees, or any designated

protective services agency, by its appropriate employees from testifying in any judicial proceeding pursuant to subsections (a) and (b) of section twenty, chapter two hundred and one, or chapter two hundred and nine A where the employee has acquired the information which is the subject of his testimony while conducting an assessment in accordance with section eighteen. Such testimony shall not include the identity of the reporter of abuse under section fifteen.

**SECTION 12.** Clause (f) of the first paragraph of section 135 of chapter 112 of the General Laws, as so appearing, is hereby amended by striking out, in line 32, the word "nineteen." and inserting in place thereof the following:- nineteen;

(g) where the social worker has acquired the information while acting as an elder protective services worker for a designated protective services agency as defined in section fourteen of chapter nineteen A and has acquired the information while conducting an assessment in accordance with section eighteen of said chapter nineteen A.

Approved December 14, 1987.

---

**Chapter 567. AN ACT FURTHER REGULATING THE DISCLOSURE  
OF CERTAIN EXPENSES BY LEGISLATIVE AGENTS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 43 of chapter 3 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the first paragraph the following paragraph:-

The state secretary shall assess a penalty for any statement which is filed later than the prescribed date; or, if such statement has been filed by mailing, where the postmark on such mailing is later than the prescribed date. Said penalty shall be in the amount of two hundred and fifty dollars when such statement has been filed ten days late or less, and in the amount of five hundred dollars when such statement is more than ten days late; provided, however, that the state secretary may waive said penalty for good cause. A waiver for good cause shall not be granted for statements filed more than sixty days late by legislative agents, or groups and organizations employing legislative agents, which have never filed or have never been required to file such statements. In all other instances no waiver for good cause shall be granted when a statement has been filed more than thirty days late.

**SECTION 2.** Section 44 of said chapter 3, as so appearing, is hereby amended by adding the following paragraph:-

The state secretary shall assess a penalty for any statement which is filed later than the prescribed date; or, if such statement has been filed by mailing, where the postmark on such mailing is later than the

prescribed date. Said penalty shall be in the amount of one hundred dollars when such statement has been filed ten days late or less, and in the amount of two hundred and fifty dollars when such statement is more than ten days late; provided, however, that the state secretary may waive said penalty for good cause. A waiver for good cause shall not be granted for statements filed more than sixty days late by legislative agents, or groups and organizations employing legislative agents, which have never filed or have never been required to file such statements. In all other instances no waiver for good cause shall be granted when a statement has been filed more than thirty days late.

**SECTION 3.** Section 47 of said chapter 3, as so appearing, is hereby amended by inserting after the first paragraph the following paragraph:-

The state secretary shall assess a penalty for any statement which is filed later than the prescribed date; or, if such statement has been filed by mailing, where the postmark on such mailing is later than the prescribed date. Said penalty shall be in the amount of two hundred and fifty dollars when such statement has been filed ten days late or less, and in the amount of five hundred dollars when such statement is more than ten days late; provided, however, that the state secretary may waive said penalty for good cause. A waiver for good cause shall not be granted for statements filed more than sixty days late by legislative agents, or groups and organizations employing legislative agents, which have never filed or have never been required to file such statements. In all other instances no waiver for good cause shall be granted when a statement has been filed more than thirty days late.

Approved December 14, 1987.

---

**Chapter 568. AN ACT MAKING APPROPRIATIONS TO FUND CERTAIN COLLECTIVE BARGAINING COSTS AND THE COSTS OF CERTAIN SALARY ADJUSTMENTS AND OTHER EMPLOYEE ECONOMIC BENEFITS FOR NON-UNIT CLASSIFIED AND PROFESSIONAL EMPLOYEES OF PUBLIC INSTITUTIONS OF HIGHER EDUCATION.**

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 agreements between the board of regents of higher education and the Service Employees International Union, Local 254, for the professional/technical unit at the university of Lowell; between the regents and the Massachusetts Society of Professors for the faculty unit at the university of Lowell; between the regents and the Association of Professional Administrators (MTA) for the professional administrative unit at the state colleges; and between



the regents and the Massachusetts Teachers Association (NEA) for the faculty unit at the state colleges, and to provide for the cost of salary adjustments and other employee economic benefits authorized pursuant to the provisions of paragraph (l) of section forty-six of chapter thirty of the General Laws, clauses (o), (v), (w), (x), (y) and (z) of section five of chapter fifteen A of the General Laws, and section four of said chapter fifteen A, 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 one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven, the sums so appropriated to be in addition to any amounts available for the purpose.

## SECTION 2.

### EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Item

1599-3618 For a reserve to meet the cost of certain salary adjustments and other employee economic benefits for all classified employees of a public institution of higher education who are incumbents of positions designated as confidential, all classified employees of a public institution of higher education who are incumbents of positions in classes that are not certified to a collective bargaining unit but where other positions in the same classes are so certified or recognized, all classified employees of a public institution of higher education who are incumbents of positions in classes that are not certified to a collective bargaining unit and where other positions in the same classes are not so certified or recognized, and all incumbents of offices and positions in the professional staffs serving under the governing boards of public institutions of higher education; provided, however, 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-eight such amounts as are necessary to meet the cost of said adjustments and benefits for the fiscal years nineteen hundred and eighty-seven and nineteen hundred and eighty-eight 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 an analysis of all cost items 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; provided, further, that no transfers shall be made as authorized herein without prior notification of the house and senate committees on ways and means; provided, further, that notwithstanding any other general or special law to the contrary, the board of regents of higher education shall determine the salary adjustments and other benefits for all incumbents of offices and positions in the professional staffs serving under the governing boards of public institutions of higher education, all classified employees of a public institution of higher education who are incumbents of positions designated as confidential, all classified employees of a public institution of higher education who are incumbents of positions in classes that are not certified to a collective bargaining unit but where other positions in the same classes are so certified or recognized, and all classified employees of a public institution of higher education who are incumbents of positions in classes that are not certified to a collective bargaining unit and where other positions in the same classes are not so certified or recognized; provided, further, that the salary adjustments for classified employees shall not exceed salary adjustments set forth in the collective bargaining agreements with AFSCME, SEIU, and IBEW; and provided, further, that the salary adjustments for all incumbents of the offices and positions in the professional staffs shall be in accordance with schedules filed by the board of regents of higher education with the secretary of administration and finance \$13,513,000

1599-3631 For a reserve to meet the cost of salary adjustments and other employee economic

benefits authorized by the collective bargaining agreement between the board of regents of higher education and the Service Employees International Union, Local 254, for the professional/technical unit at the university of Lowell; provided, however, 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-eight such amounts as are necessary to meet the cost of said adjustments and benefits for the fiscal years nineteen hundred and eighty-seven and nineteen hundred and eighty-eight 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; provided, further, that no transfers shall be made as authorized herein without prior notification of the house and senate committees on ways and means; and provided, further, that the secretary of administration and finance should implement said salary adjustments and benefits within sixty days of the effective date of this act

\$581,000

1599-3632 For a reserve to meet the cost of salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the board of regents of higher education and the Massachusetts Society of Professors for the faculty unit at the university of Lowell; provided, however, 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-eight such amounts as are necessary to meet the cost of said adjustments and benefits for the fiscal years nineteen hundred and eighty-seven and nineteen hundred and eighty-eight 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 as authorized herein without prior notification of the house and senate committees on ways and means

\$3,269,000

1599-3633 For a reserve to meet the cost of salary adjustments and other employee economic benefits authorized by the collective bargaining agreements between the board of regents of higher education and the Association of Professional Administrators (MTA) for the professional administrative unit at the state colleges; provided, however, 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-eight such amounts as are necessary to meet the cost of said adjustments and benefits for the fiscal years nineteen hundred and eighty-seven and nineteen hundred and eighty-eight 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 as authorized herein without the prior notification of the house and senate committees on ways and means \$1,588,000

1599-3634 For

a reserve to meet the cost of salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the board of regents and the Massachusetts Teachers Association (NEA) for the faculty unit at the state colleges; provided, however, 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-eight such amounts as are necessary to meet the cost of said adjustments and benefits for the fiscal years nineteen hundred and eighty-seven and nineteen hundred and eighty-eight 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

---

**ACTS, 1987. - Chap. 569.**

said adjustments and benefits; and provided, further, that no transfers shall be made as authorized herein without prior notification of the house and senate committees on ways and means \$8,952,000

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

Approved December 16, 1987.

---

**Chapter 569. AN ACT RELATIVE TO INTERSTATE BANKING.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate interstate banking, 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 167 of the General Laws is hereby amended by striking out section 38, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 38. No out-of-state banking association or corporation, except as provided herein, shall transact banking business in the commonwealth other than as provided for in chapter one hundred and sixty-seven B; provided, however, that the board of bank incorporation may, conditioned upon the performance of such requirements as to auditing as the board may prescribe, grant a certificate authorizing the same to any such association or corporation with its principal place of business in one of the states of Connecticut, Maine, New Hampshire, Rhode Island or Vermont or in a country other than the United States and which is not controlled by a bank holding company with its principal place of business in any state other than in the commonwealth or in one of the states mentioned herein.

Any such association or corporation transacting banking business in this commonwealth pursuant to such certificate shall be subject to the supervision of the commissioner, and shall annually, within thirty days after the last business day of December, and at other times during each year on any past day to be specified by the commissioner, make to him in such form as may be prescribed by him a return, signed and sworn to by the treasurer, or the corresponding officer, of the corporation, showing accurately the condition thereof at the close of business on said day. The president and a majority of the directors shall certify on oath that the report is correct according to their best knowledge and belief.

For the purposes of this section and sections thirty-nine to forty-two, inclusive, (i) the term "Massachusetts bank" shall mean any federally or state-chartered banking institution with its principal place of business in the commonwealth, and (ii) the term "bank holding company" and the

concept of control shall have the same meaning as set forth in the Bank Holding Company Act of 1956 (12 USC 1841 et seq.) and said term "bank holding company" shall also include any savings and loan holding company as defined in Section 408 of the National Housing Act (12 USC1730a).

**SECTION 2.** Said chapter 167 is hereby further amended by striking out section 39, as so appearing, and inserting in place thereof the following section:-

Section 39. Any out-of-state banking association or corporation with its principal place of business in one of the states of Connecticut, Maine, New Hampshire, Rhode Island or Vermont or in a country other than the United States and which is not controlled by a bank holding company with its principal place of business in any state other than in the commonwealth or in one of the states mentioned herein doing a business similar to any business referred to in section one pursuant to a certificate issued by the board of banking incorporation in accordance with section thirty-eight may establish and maintain branch offices or depots in the commonwealth, or merge with or purchase the assets or stock of any Massachusetts bank, if such banking association or corporation is expressly authorized to do so by the laws under which it is organized and operates; provided, however, that the laws of the state in which such banking association or corporation has its principal place of business expressly authorized, under conditions no more restrictive than those imposed by this chapter as determined by the commissioner, Massachusetts banks to establish and maintain branches and depots in such state or to merge with or purchase the assets of a banking institution in such state. Such banking association or corporation shall establish and maintain branches or depots in the commonwealth, or merge with or purchase the assets of a Massachusetts bank, in accordance with the same laws which govern such activities by Massachusetts banks; provided, however, that the initial branch office other than one established pursuant to chapter one hundred and sixty-seven B, or, if more than one, the branch deemed to be the initial office by such association or corporation, shall be considered the main office in the commonwealth for the purposes of determining the geographical limitations on the establishment of branch offices; and provided, further, that in any merger or purchase in which the out-of-state banking association or corporation is the continuing entity such association shall be exempt from the provisions of sections forty to forty-two, inclusive.

For the purposes of this section and sections forty to forty-two, inclusive, the words "out-of-state banking association or corporation" shall mean an association or corporation with its principal place of business in one of the states of Connecticut, Maine, New Hampshire, Rhode Island or Vermont or in a country other than the United States and which is not controlled by a bank holding company with its principal place of business in any state other than in the commonwealth or in one of the states mentioned herein.

**SECTION 3.** The second paragraph of section 2 of chapter 167A of the General Laws, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following two sentences:- For the purposes of this section, the term "out-of-state bank holding company" shall have the same meaning as set forth in the Bank Holding Company Act of 1956 12 USC 1841 et seq. and the term "bank holding company" shall also include any savings and loan holding company as defined in Section 408 of the National Housing Act 12 USC 1730a but shall include only a bank holding company (i) which has its principal place of business in the state of Connecticut, Maine, New Hampshire, Rhode Island or Vermont, (ii) each of whose subsidiary banks has its main office and principal place of business only in the commonwealth or in one of the said states, and (iii) which is not directly or indirectly owned or controlled by a bank holding company which (a) has its principal place of business in any state other than the commonwealth or the state of Connecticut, Maine, New Hampshire, Rhode Island or Vermont, or (b) owns or controls any subsidiary bank which has its main office or principal place of business in any state other than such states. If any such out-of-state bank holding company, by virtue of any action, ceases to be an out-of-state bank holding company, as defined herein, and it does not become a bank holding company established in accordance with this chapter, the board of banking incorporation shall order such bank holding company to immediately divest itself of its direct or indirect ownership or control of any banking institution in the commonwealth acquired by it pursuant to this section.

**SECTION 4.** Notwithstanding the provisions of section three of this act, an out-of-state bank holding company, as defined in the second paragraph of section two of chapter one hundred and sixty-seven A of the General Laws, which on the effective date of this section owns or controls any subsidiary bank whose main office or principal place of business is in the commonwealth shall not be required to divest its ownership or control of such subsidiary bank solely by virtue of its acquisition of ownership or control directly or indirectly under definitive agreements in existence on the effective date of this section of a subsidiary bank whose main office or principal place of business is not in the commonwealth or the state of Connecticut, Maine, New Hampshire, Rhode Island or Vermont.

**SECTION 5.** Sections one, two, and three of this act shall take effect as of July first, nineteen hundred and eighty-three.

Approved December 16, 1987.



**Chapter 570. AN ACT RELATIVE TO THE PRACTICE OF OPTOMETRY.**

Be it enacted, etc., as follows:

Chapter 112 of the General Laws is hereby amended by striking out section 72, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 72. Optometrists may practice and advertise under a trade or service name; provided however, that the names of the optometrist or optometrists are prominently displayed at all locations of their practice, in all print advertisements that identify the location or locations where optometric services are provided, and in the optometrist's examining room. The name of the optometrist actually responsible for the provision of such optometric services shall be included in the same type as the address of the location; and provided, further, that the name of the optometrist shall also be printed on any prescription form.

Approved December 16, 1987.

---

**Chapter 571. AN ACT RELATIVE TO THE NEW ENGLAND HIGHER EDUCATION COMPACT.**

Be it enacted, etc., as follows:

Chapter 589 of the acts of 1954 is hereby amended by adding the following section:-

Section 6. As used in this section, the following words shall have the following meanings:

"Payback by service", the practice of a health profession pursuant to the participant's contract for which each participant was trained under one of the health profession contract programs operated by the New England board of higher education.

There shall be a financial penalty for failure to perform payback by service within the commonwealth for all participants who are residents of the commonwealth in the regional medical, veterinary, and optometry student contract programs operated by the New England board of higher education. For residents of the commonwealth who participate in the contract programs graduating in nineteen hundred and eighty to nineteen hundred and eighty-five, inclusive, the penalty for failure to perform return service at the rate of six months for every one year of participation in one of the above contract programs shall be monetary payback to the commonwealth of that amount of contract funds credited against each participant's tuition while in school.

Participants shall have ten years, commencing from the date when all required internships, residencies, and fellowships are completed, to repay the total amount received. At least one-tenth of the total amount received shall be paid on November first in each year.

---

**ACTS, 1987. – Chaps. 572, 573, 574.**

Payments shall be made payable to the commonwealth and forwarded to the New England board of higher education which shall in turn forward payments to the state treasurer.

Any default in the payment schedule shall be reported by the New England board of higher education to the attorney general who shall secure payment in the event of default. Any overdue payment shall bear interest at the annual rate of one per cent over the prime rate, and the attorney general may declare immediately due and payable the entire outstanding balance of principal and interest upon such default of payment.

Approved December 16, 1987.

---

**Chapter 572. AN ACT RELATIVE TO CONSERVATION OFFICERS.**

Be it enacted, etc., as follows:

Section 3 of chapter 32 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "vehicles", in line 293, the words:– ; conservation officer of the city of Haverhill having duties similar to a law enforcement officer of the department of fisheries, wildlife and recreational vehicles.

Approved December 16, 1987.

---

**Chapter 573. AN ACT PROHIBITING CREDITORS FROM ASSESSING FINANCE CHARGES DURING CERTAIN RESCISSION PERIODS.**

Be it enacted, etc., as follows:

Subsection (a) of section 10 of chapter 140D of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following sentence:– No finance or other charge shall begin to accrue on any such transaction until the termination of the rescission period provided for in this section.

Approved December 16, 1987.

---

**Chapter 574. AN ACT AUTHORIZING THE DISTRICT COURT OF BROCKTON TO HOLD TRIALS AT THE MASSACHUSETTS CORRECTIONAL INSTITUTION AT BRIDGEWATER.**

Be it enacted, etc., as follows:

The fourth paragraph under the caption Plymouth of section 1 of

---

**ACTS, 1987. – Chaps. 575, 576.**

chapter 218 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following sentence:- Said court may adjourn to the Massachusetts correctional institution at Bridgewater, whenever the public convenience seems to the presiding justice to render such adjournment expedient.

Approved December 16, 1987.

---

**Chapter 575. AN ACT FURTHER CLARIFYING HEALTH MAINTENANCE ORGANIZATION COVERAGE FOR PUBLIC EMPLOYEES.**

Be it enacted, etc., as follows:

**SECTION 1.** Paragraph (h) of section 2 of chapter 32A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "organization", in line 1, the second time it appears, the words:- , including without limitation a health maintenance organization.

**SECTION 2.** Section 14 of said chapter 32A, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

All persons eligible for the insurance provided under sections four, five, six, ten B, ten C and twelve shall have the option to be insured for the services of a health care organization under this section but shall not be insured for both. The commonwealth's contribution toward the total monthly premium or rate for coverage under this section shall be the same as and shall not exceed the commonwealth's contribution for the health insurance programs provided under sections four, five, six, ten B, ten C and twelve; and eligible persons having elected coverage under this section by making application as provided in section seven, shall pay the remainder premium or rate. Such payment by the insured shall be made to the commission as provided in section eight.

Approved December 16, 1987.

---

**Chapter 576. AN ACT AUTHORIZING THE DEPUTY COMMISSIONER OF THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO LEASE CERTAIN PROPERTY IN THE CITY OF BOSTON.**

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

---

**ACTS, 1987. - Chap. 577.**

General Laws, to lease a certain parcel of land and buildings thereon for a term of ten years, to an individual or entity, subject to the requirements of sections two, three and four and to such additional terms and conditions as the said deputy commissioner may prescribe, in consultation with the metropolitan district commission said property being the ice skating rink at the Monsignor William J. Daly Memorial Recreation Center in the Nonantum section of the Brighton district of the city of Boston.

**SECTION 2.** No lease conveying by or on behalf of the commonwealth the property described in section one shall be valid unless such lease provides that said property shall be used for the storage of rowing shells and the operation of a public rowing program during the months of April through October.

**SECTION 3.** The recipient of said lease shall assume the costs of any appraisals, surveys, and other expenses as deemed necessary by the deputy commissioner for the granting of this lease.

**SECTION 4.** If the aforementioned purposes, as described in section two, cease at any time, said lease shall be terminated under such terms and conditions as the deputy commissioner may prescribe.

Approved December 16, 1987.

---

**Chapter 577. AN ACT FURTHER REGULATING THE MINIMUM SIZE OF LOBSTERS.**

Be it enacted, etc., as follows:

Chapter 130 of the General Laws is hereby amended by striking out section 44, as appearing in the 1986 Official Edition, and inserting in place thereof the following two sections:-

Section 44. Whoever sells, or offers for sale, or has in possession for a period longer than is necessary for immediate measuring, or for any purpose other than legally disposing of same, a lobster measuring in length less than the minimum size prescribed by this section, alive or dead, cooked or uncooked, measured from the rear of the eye socket along a line parallel to the center line of the body shell to the rear end of the body shell, shall be punished for the first offense by a fine of not less than twenty-five nor more than fifty dollars for every such lobster and for a subsequent offense by a fine of not less than fifty nor more than one hundred dollars for every such lobster or by imprisonment for not less than one nor more than three months or both, and such lobster shall be seized and forfeited, and shall be disposed of by the director to the best interest of the commonwealth.

Until January first, nineteen hundred and eighty-eight, the minimum size shall be three and three-sixteenths inches. Thereafter, except as

otherwise provided in this section, the minimum size shall be as follows: Beginning on January first, nineteen hundred and eighty-eight, three and seven-thirty-seconds inches; beginning on January first, nineteen hundred and eighty-nine, three and eight-thirty-seconds inches; beginning on January first, nineteen hundred and ninety-one, three and nine-thirty-seconds inches; and beginning on January first, nineteen hundred and ninety-two, three and ten-thirty-seconds inches. The director may by regulation approved by the marine fisheries advisory commission delay implementation of any increase in minimum size prescribed by this section beyond three and three-sixteenths inches if he determines that such increase would adversely affect the Massachusetts lobster fishery and shall do so if he determines that such increase would cause the minimum size to exceed the minimum size in effect in Maine or Rhode Island. If any increase is so delayed the minimum size previously in effect shall remain in effect until such time as the director shall by regulation provide. The director may, by regulation approved by the marine fisheries advisory commission, prescribe such increases in minimum size beyond three and ten-thirty-seconds inches as he shall determine to be beneficial to the Massachusetts lobster fishery provided, however, that no such increase shall take effect prior to January first, nineteen hundred and ninety-four.

If the measurement of any such lobster taken from one or the other eye sockets is of the required length, such lobster shall be deemed to be a legal lobster. In all prosecutions under this section any mutilation of any lobster which affects its measurement as aforesaid shall be prima facie evidence that the lobster was or is less than the required length. This section shall not apply to common carriers having lobster in possession for the purpose of transportation.

Section 44A. The director may, by regulation approved by the marine fisheries advisory commission and promulgated pursuant to chapter thirty A, establish a program to protect V-notched lobsters. For purposes of this section, the term "V-notched lobster" means a female egg-bearing lobster from which a V-shaped piece of tail has been cut from the first right flipper next to the middle flipper by a person holding or covered by a permit issued pursuant to section thirty-eight.

Approved December 16, 1987.

EMERGENCY LETTER: December 16, 1987 @ 4:15 P.M.

---

**Chapter 578. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN PARCEL OF LAND IN THE CITY OF MEDFORD TO THE MEDFORD HOUSING AUTHORITY.**

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

---

**ACTS, 1987. – Chap. 578.**

sections forty E to 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 Medford, to the Medford Housing Authority, subject to the requirements of sections two, three, and four and to such additional terms and conditions as the deputy commissioner may prescribe, in consultation with the metropolitan district commission.

Said parcel is shown as Parcel A on a "Plan of land in Medford, Massachusetts," dated March 6, 1987, prepared by Design State Survey Inc. of Somerville, which is on file at the offices of the Medford Housing Authority. Said land is further bounded and described as follows:

Northerly by land of the Commonwealth of Massachusetts being a portion of land leased by the Medford Housing Authority ninety-two and 62/100 (92.62) feet;

Westerly by said land of the Commonwealth of Massachusetts one hundred thirty-nine and 99/100 (139.99) feet;

Southerly by said land of Commonwealth of Massachusetts one hundred twenty-four and 00/100 (124.00) feet;

Northeasterly by land of the Medford Housing Authority in two courses fifty and 45/100 (50.45) feet and by a curve of radius of twenty-one hundred seventeen and 67/100 (2117.67) and a length of ninety-three and 03/100 (93.03) feet;

Said parcel contains fifteen thousand two hundred and forty-five square feet.

**SECTION 2.** No deed conveying by or on behalf of the commonwealth property described in section one shall be valid unless such deed provides that said property shall be used for the construction of state-aided handicapped housing.

**SECTION 3.** The Medford Housing Authority shall assume the costs of appraisals, surveys and other expenses as deemed necessary by the deputy commissioner of capital planning and operations for the conveyance of this property.

**SECTION 4.** In the event that the above mentioned parcel is not used for the purposes described in section two within five years of the effective date of this act, or if the Medford Housing Authority ceases to use the parcel for such purpose at any time, the parcel shall revert to the commonwealth under such terms and conditions as the deputy commissioner of capital planning and operations may prescribe.

Approved December 16, 1987.

**Chapter 579. AN ACT RELATIVE TO THE CONFIDENTIALITY OF INFORMATION GATHERED BY THE BOARD OF REGISTRATION IN MEDICINE.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 1 of chapter 111 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the definition of "Medical peer review committee" and inserting in place thereof 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 or health maintenance organization organized under chapter one hundred and seventy-six G, provided the medical staff operates pursuant to written by-laws that have been approved by the governing board of the hospital or nursing home or health maintenance organization, 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 the 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 2.** Section 204 of said chapter 111, as so appearing, is hereby amended by adding the following subsection:-

(e) No proceeding, report or record of a medical peer review committee obtained hereunder and disclosed in an action pursuant to section eighty-five N of chapter two hundred and thirty-one or a proceeding before an administrative body, shall be subject to subpoena or discovery, or introduced into evidence in judicial or administrative proceedings other than those proceedings or investigations specified in subsections (a) and (b).

**SECTION 3.** Said chapter 111 is hereby further amended by adding the following section:-

Section 205. (a) As used in this section the following terms shall have the following meanings:

"Health care facility", any entity required to participate in risk management and quality assurance programs established by the board of registration in medicine.

"Patient care assessment coordinator", a person or committee

designated by a health care facility to implement and coordinate the facility's compliance with risk management and quality assurance programs established by the board of registration in medicine.

"Risk management and quality assurance programs established by the board of registration in medicine", programs and activities undertaken pursuant to regulations promulgated by the board of registration in medicine under section two hundred and three of this chapter and sections five and five l of chapter one hundred and twelve.

(b) Information and records which are necessary to comply with risk management and quality assurance programs established by the board of registration in medicine and which are necessary to the work product of medical peer review committees, including incident reports required to be furnished to the board of registration in medicine, shall be deemed to be proceedings, reports or records of a medical peer review committee for purposes of section two hundred and four of this chapter and may be so designated by the patient care assessment coordinator; provided, however, that such information and records so designated by the patient care assessment coordinator may be inspected, maintained and utilized by the board of registration in medicine, including but not limited to its data repository and disciplinary unit. Such information and records inspected, maintained or utilized by the board of registration in medicine shall remain confidential, and not subject to subpoena, discovery or introduction into evidence, consistent with section two hundred and four; however, such records may not remain confidential if disclosed in an adjudicatory proceeding of the board of registration in medicine, but the information and records shall be otherwise subject to the protections afforded by section two hundred and four. In no event, however, shall records of treatment maintained pursuant to section seventy of this chapter, or incident reports or records or information which are not necessary to comply with risk management and quality assurance programs established by the board of registration in medicine be deemed to be proceedings, reports or records of a medical peer review committee under this section; nor shall any person be prevented by the provisions of this section from testifying as to matters known by such person independent of risk management and quality assurance programs established by the board of registration in medicine.

**SECTION 4.** Section 5 of chapter 112 of the General Laws, as so appearing, is hereby amended by inserting after the word "section", in line 71, the following words:- , or otherwise obtained by or retained in the data repository.

Approved December 16, 1987.

EMERGENCY LETTER: February 12, 1988 @ 4:17 P.M.



**Chapter 580. AN ACT CLARIFYING REGIONAL SCHOOL BUDGET PROCESS.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 71 of the General Laws is hereby amended by striking out section 16B, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 16B. The regional district school committee, by a two-thirds vote of all its members, shall annually determine the amounts necessary to be raised, after deducting the amount of aid such district is to receive pursuant to section sixteen D, to maintain and operate the district school or schools during the next fiscal year, and amounts required for payment of debt and interest incurred by the district which will be due in the said year, and shall apportion the amount so determined among the several municipalities in accordance with the terms of the regional school district agreement. The amounts so apportioned for each municipality shall be certified by the regional school district treasurer to the treasurers of the several municipalities within thirty days from the date on which the annual budget is adopted by a two-thirds vote of the regional district school committee, but not later than April thirtieth. The regional school district treasurer shall include in the certification to each municipality a statement setting forth the amount which the district is to receive under said section sixteen D for the ensuing fiscal year and the proportionate share of such aid for such municipality, the amount, if any, by which the unencumbered amount in the excess and deficiency fund, so called, of the regional school district at the end of the preceding fiscal year, as certified by the commissioner of revenue pursuant to section sixteen B 1/2, exceeded five per cent of the regional school district's operating budget and its budgeted capital costs for the current fiscal year, and the proportionate share of any such excess in said fund by which such municipality's assessment for the current fiscal year was reduced.

The regional school district treasurer shall provide a copy of the adopted budget to the chairmen of the boards of selectmen, chairmen of the finance committees, mayors, presidents of the city councils and the treasurers of the several municipalities.

Notwithstanding any provision of law to the contrary, the superintendent of schools of a regional school district may, on matters relating to the regional school budget, address the membership at a city council meeting, a town meeting or a meeting of the town council in a municipality having a town council form of government in cities and towns within the regional school district when the regional school budget is being considered.

The annual regional school district budget as adopted by a two-thirds vote of the regional district school committee shall require the approval of two-thirds of the local appropriating authorities of the several municipalities. The regional school district budget so approved shall be apportioned among the several municipalities and paid in accordance with the terms of the agreement.

In the event that the regional school district budget in a two-member regional school district is not approved by the local appropriating authorities of both municipalities, the following provisions shall apply. The regional district school committee shall convene a special district-wide meeting open to all registered voters in both municipalities at which the regional school district budget, proposed by the regional district school committee, shall be considered. Such meeting shall be called pursuant to a warrant, under the hands of at least a majority of the regional district school committee, notice of which shall be given at least fourteen days prior to the date of such meeting. The warrant shall state the time, place and purpose of the meeting and shall be directed to the district secretary, who shall give notice by posting a copy in the city or town clerk's office and at least two other public places in each member municipality and who shall further provide notice by publishing a copy of said warrant in at least one newspaper in general circulation within the member municipalities. The boards of selectmen of the member municipalities in a joint meeting shall, by a majority vote of those present, appoint a town moderator or any other person acceptable to the boards of selectmen to act as moderator and the district secretary shall keep the record of such meeting. Approval of the regional school district budget shall require the affirmative vote of at least a majority of those present and voting thereon, by a counted vote. The regional school district budget so approved shall be apportioned between the member municipalities and paid by them in accordance with the terms of the regional school district agreement.

In the event that the regional school district budget in a regional school district having three or more members is not approved by at least two-thirds of the member municipalities as required by this section, the regional district school committee shall have thirty days to reconsider and shall submit an amended budget on the basis of the issues raised. The amounts required to be raised on account of the regional school district budget shall be reapportioned between the member cities and towns by the regional district school committee and a copy of the amended budget shall be provided, not later than seven days from the date the amended regional school district budget was adopted by the regional district school committee, to the chairmen of the boards of selectmen, chairmen of the finance committees, mayors, presidents of the city councils and treasurers of the several municipalities. With approval of the commissioner of education, a regional district school committee may have an additional fifteen days within which to reconsider and reapportion said budget. The respective amounts reapportioned between the member cities and towns by the regional district school committee shall be recertified by the district treasurer to the treasurers of the member municipalities not later than seven days from the date the regional school district budget was adopted by the regional district school committee. Prior to the expiration of thirty days from the date on which such budget was adopted by the regional district school committee, each member municipality may hold a meeting to act upon the appropriation of the budget so reapportioned and recertified to

it and, if more than one-third of the member municipalities shall vote at such meetings to disapprove the budget so reapportioned and recertified to them, the budget shall again be recommitted to the regional district school committee for action pursuant to this paragraph.

If more than one-third of the member municipalities do not vote to disapprove the revised and resubmitted budget in a duly called meeting within the stated thirty days, such budget shall be considered approved and shall be apportioned between the member municipalities and paid by them in accordance with the terms of the regional school district agreement.

At any time after the adoption of the annual budget, the regional district school committee may reduce the amount to be raised by assessment to the several municipalities and reapportion the reduced amount in accordance with the terms of the regional school district agreement for apportionment of costs. The regional school district treasurer shall recertify the amounts reapportioned to the treasurers of the several municipalities within thirty days from the date on which the regional district school committee votes to reduce the annual budget or assessments. If the recertification is made after the annual town meeting of a member town, the amount recertified shall be considered an amendment to the amount required to have been appropriated at that meeting without the necessity for further action by the town, and, if the annual assessment of taxes has not been made, the municipal assessors shall include only the amount so recertified in making the annual assessment of taxes under the provisions of section twenty-three of chapter fifty-nine.

For the purposes of this section, a vote or votes by a local appropriating authority to appropriate the municipality's apportioned share of the regional school district budget shall constitute approval of the annual regional school district budget; provided, however, that any municipality's apportioned share may not be increased in the same fiscal year without approval of the local appropriating authority.

The clerk of each member municipality shall, within seven days following a vote concerning a regional school district budget or apportionment, certify in writing to the treasurer of the regional school district the results of such vote by the municipality.

This section shall apply to all regional school districts established under the provisions of a special law, notwithstanding any contrary provisions in any such special law.

**SECTION 2.** Section 16B 1/2 of said chapter 71, as so appearing, is hereby amended by inserting after the first sentence the following:- The commissioner of revenue shall certify the unencumbered amount in the excess and deficiency fund, so called, of a regional school district, and the amount, if any, by which it exceeds five per cent of the district's operating budget and its budgeted capital costs for the succeeding fiscal year, at the end of each fiscal year and shall report such amount to the regional district school committee, the board of selectmen in each member town and the city council in each member city by December

---

**ACTS, 1987. – Chap. 581.**

---

first of each year. The regional district school committee shall submit all information necessary to perform said certification to the commissioner of revenue at the close of each fiscal year but no later than October thirty-first.

This section shall be subject to the provisions of section thirty-four of chapter seventy-one and shall place no additional limitations on the budgetary authority of the school committee.

Approved December 16, 1987.

---

**Chapter 581. AN ACT EXEMPTING CERTAIN SUMMER CAMPS FROM THE EXCISE ON MEALS AND ROOM OCCUPANCY.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 64G of the General Laws is hereby amended by striking out section 2, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:–

Section 2. The provisions of this chapter shall not be construed to include (a) lodging accommodations at federal, state or municipal institutions; (b) lodging accommodations at religious, charitable, educational or philanthropic institutions; (c) privately owned and operated convalescent homes or homes for the aged, infirm, indigent or chronically ill; (d) religious or charitable homes for the aged, infirm, indigent or chronically ill; and (e) summer camps for children eighteen years of age or under or developmentally disabled individuals; provided, however, that such summer camp which offers its facilities off-season to individuals sixty years of age or over for a period not to exceed thirty days in any calendar year shall not lose its exemption hereunder.

For the purposes of this section a developmentally disabled individual shall mean an individual who has a severe chronic disability which:

(A) is attributable to a mental or physical impairment or combination of mental and physical impairments;

(B) is likely to continue indefinitely;

(C) results in substantial functional limitations in three or more of the following areas of major life activity: (i) self-care; (ii) receptive and expressive language; (iii) learning; (iv) mobility; (v) self-direction; (vi) capacity for independent living; and (vii) economic self-sufficiency; and

(D) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated.

**SECTION 2.** Section 6 of chapter 64H of the General Laws, as so appearing, is hereby amended by striking out paragraph (cc) and inserting in place thereof the following paragraph:–

(cc) meals prepared by employees thereof and served in any hospital, sanatorium, convalescent or nursing home, or boarding home for the aged licensed under section seventy-one of chapter one hundred and eleven or in any institution or private house licensed under section twenty-nine of chapter nineteen; meals prepared by the members thereof and served on its premises by any church or synagogue or by any church or synagogue organization to any organization of such church or synagogue the proceeds of which are to be used for religious or charitable purposes; meals furnished by any person while transporting passengers for hire by air to or from any place within the commonwealth, meals furnished to any organization in which membership is limited to persons sixty years of age or over or to elderly or handicapped persons residing in a housing project qualifying under section thirty-eight to forty, inclusive, of chapter one hundred and twenty-one B and said organization has previously filed with the commissioner, on a form approved by the commissioner, satisfactory proof of its eligibility hereunder; and meals furnished to students by an educational institution which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on; and meals served by summer camps for children eighteen years of age or under or developmentally disabled individuals; provided, however, that such summer camp which offers its facilities off-season to individuals sixty years of age or over for a period not to exceed thirty days in any calendar year shall not lose its exemption hereunder; and meals furnished through programs established under section one L of chapter fifteen.

For the purposes of this section a developmentally disabled individual shall mean an individual who has a severe chronic disability which:

(A) is attributable to a mental or physical impairment or combination of mental and physical impairments;

(B) is likely to continue indefinitely;

(C) results in substantial functional limitations in three or more of the following areas of major life activity: (i) self-care; (ii) receptive and expressive language; (iii) learning; (iv) mobility; (v) self-direction; (vi) capacity for independent living; and (vii) economic self-sufficiency; and

(D) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated.

**SECTION 3.** The provisions of this act shall take effect on June first, nineteen hundred and eighty-eight.

Approved December 16, 1987.

**Chapter 582. AN ACT AUTHORIZING THE LICENSING AUTHORITY IN THE TOWN OF ADAMS TO ISSUE ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing authority in the town of Adams is hereby authorized to issue 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 to the Samuel Adams Tavern, Inc. Said license shall be subject to all the provisions of said chapter one hundred and thirty-eight except 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 under the provisions of said section seventeen.

Approved December 16, 1987.

---

**Chapter 583. AN ACT AUTHORIZING THE TOWN OF WAREHAM TO PAY A CERTAIN SUM OF MONEY TO CERTAIN SCHOOL DEPARTMENT EMPLOYEES FOR SERVICES RENDERED IN PRIOR FISCAL YEARS.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding any provision of law to the contrary, the town of Wareham is hereby authorized to appropriate money for the payment of, and after such appropriation, the treasurer of said town is hereby authorized to pay to Arlene Barrett, Judith Bruno, Elaine Butler, Sharon Correia, Sandra DeLuca, Andrea Downing, Judy Govoni, Mary Hogan, Beverly Lima, Gwendolyn Malone, M. Patricia Manuel, Diane Post (Gleason), Lucille Roberge, Evan Santos, Patricia Schaaf, Marjorie Shivvers, Jean Stadelman and Joan Wilson employees of the school department of said town a sum not to exceed twelve thousand six hundred and thirty-four dollars and fifty-one cents in the aggregate for services rendered in the fiscal year nineteen hundred and eighty-five, provided, however, that the money so appropriated to pay for said services shall be raised by taxation or made available from the unappropriated surplus funds of the town.

**SECTION 2.** Notwithstanding any provision of law to the contrary, the town of Wareham is hereby authorized to appropriate money for the payment of, and after such appropriation the treasurer of said town is hereby authorized to pay to Linda Boucher, Elaine Butler, Joan Holway,

---

**ACTS, 1987. - Chap. 584.**

---

Jacqueline Schulze, Doris Westgate and Joanne DeGregorio employees of the school department of said town a sum not to exceed four thousand seven hundred and seventy-six dollars and thirty-eight cents in the aggregate for services rendered in the fiscal year nineteen hundred and eighty-six; provided, however, that the money so appropriated to pay for said services shall be raised by taxation or made available from the unappropriated surplus funds of the town.

Approved December 16, 1987.

---

**Chapter 584. AN ACT RELATIVE TO THE MANAGEMENT OF SOLID WASTE AND THE ABATEMENT OF POLLUTION RESULTING THEREFROM.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide funding for a solid waste grant program, 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 19 of chapter 6A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 7, the words ", the bureau of solid waste disposal".

**SECTION 1A.** Chapter 16 of the General Laws is hereby amended by striking out sections 18 to 21, inclusive, as so appearing, and inserting in place thereof the following four sections:-

Section 18. As used in sections nineteen to twenty-four, inclusive, the following words shall have the following meanings:-

"Commissioner", the commissioner of the department of environmental quality engineering.

"Department", the department of environmental quality engineering.

"Residual waste", solid waste or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed.

"Resource recovery facility", a solid waste disposal facility utilizing processes for reclaiming the materials or energy values from solid wastes.

"Secretary", the secretary of the executive office of environmental affairs.

"Sludge", any solid, semisolid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other

such waste having similar characteristics and effects.

"Solid waste", garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contaminated gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges, special nuclear, or radioactive byproduct material.

"Solid waste disposal facility", incinerator, landfill, resource recovery facility, transfer station, composting plant, sorting or processing machine or plant, recycling plant, or other sanitary means of recycling or composting solid waste approved by the department, or any combination of one or more of the above facilities and appurtenant facilities.

"Storage", when used in connection with residual waste, the containment of residual waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such residual waste.

"Treatment", when used in connection with residual waste, any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any residual waste so as to neutralize such waste or so as to render such waste nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. Treatment includes any activity or processing designed to change the physical form or chemical composition of residual waste so as to render it nonhazardous.

Section 19. The secretary, the department of environmental management and the department are hereby authorized to dispose of solid wastes, from whatever source, in any manner and at any site which is determined by the department to meet the siting criteria established under the provisions of section one hundred and fifty A 1/2 of chapter one hundred and eleven. Notwithstanding any other provisions of sections eighteen to twenty-four, inclusive, of this chapter to the contrary, the authorizations, powers and duties of this section shall be exercised as follows: by the department of environmental management for storage and treatment of residual waste; by the department for recycling and composting of solid waste, but not including residual waste; and by the secretary for all remaining solid waste disposal. For the purposes of this section the secretary, the department of environmental management and the department may be referred to collectively by the term "agencies". The agencies are hereby authorized and empowered to purchase, lease, acquire, receive by gift, or take by eminent domain under the provisions of chapter seventy-nine any land, structures, facilities and easements necessary for solid waste disposal. As used in this section, the term solid waste disposal shall include storage or treatment of residual waste. To carry out the provisions of this section, the agencies may contract with any person, firm, corporation, or body politic to plan, design, manage, construct, maintain



or operate solid waste disposal facilities and to otherwise implement this section, and may accept any gifts or grants of money or property, whether real or personal, from any source, including but not limited to the United States or its agencies relative to the disposal of solid waste. The agencies may contract with users, public and private, including agencies of the commonwealth and its political subdivisions, to dispose of solid waste. The agencies may lease any land acquired under this section for solid waste disposal to any person, firm or corporation for the purpose of constructing, operating and maintaining a privately owned solid waste processing disposal facility or related facility, including facilities related to the processing, marketing or manufacture of materials recovered from solid waste. The department, on a continuing basis, shall review and make recommendations on the manner of operation and adequacy from an environmental quality standpoint of any solid waste disposal facility planned, established or operated under the provisions of section eighteen to twenty-four, inclusive, by the secretary or the department of environmental management, and subject to appropriation such recommendations shall be implemented by the secretary and the department of environmental management. Any land acquired under this section may be disposed of by the commonwealth pursuant to the provisions of chapter seven upon termination of a solid waste disposal facility or completion of use of a site, with the concurrence of the department in the best interests of the commonwealth and for a use compatible with local zoning by-laws or ordinances; provided, however, that in no event shall such land be so disposed of unless a written offer is made to the city or town wherein such land lies for an amount of money not less than the principal amount remaining to be paid on bonds issued to meet the capital outlay expenditures relative to such land and such offer is not accepted within two months after being made or is refused by the mayor of the city or the board of selectmen of the town wherein such land lies.

The department of environmental management shall not exercise its eminent domain authority as authorized herein for the acquisition of sites for hazardous waste treatment, processing or disposal until all permits, licenses and approvals of the city or town wherein the site lies have been granted, a siting agreement has been established pursuant to the provisions of sections twelve and thirteen of chapter twenty-one D, and the approval of said exercise of eminent domain authority has been obtained by a majority vote of the city council, board of aldermen, or board of selectmen of said city or town.

Section 20. It shall be the responsibility of the department to carry out the provisions of sections eighteen to twenty-four, inclusive. Said department shall conduct research and demonstration projects and shall encourage improved methods of solid waste disposal including recycling. The department may hire such experts, engineers and other personnel from such funds as shall be appropriated, as it deems necessary to carry out the provisions of sections eighteen to twenty-four, inclusive. The department may, subject to the provisions of chapter thirty A, promulgate rules and regulations relating to the storage, collection,

transfer, and disposal of solid waste with respect to facilities established pursuant to sections eighteen to twenty-four, inclusive.

Section 21. The department shall investigate and study the solid waste disposal needs of the commonwealth, including but not limited to appropriate solid waste management techniques for source and volume reduction, landfill design and operation, resource recovery plant design, the operation of composting and recycling facilities, and the operation of any other innovative, environmentally sound technologies. The department may designate regional solid waste disposal districts to carry out the purposes of sections eighteen to twenty-four, inclusive. The department, after a public hearing, shall develop and maintain a comprehensive statewide master plan for solid waste disposal including any necessary provisions to meet eligibility requirements under any federal program for financial aid in solid waste disposal. Any amendment, alterations, or changes to said master plan shall be adopted only after a public hearing. A solid waste disposal district shall, wherever practicable, consist of a single city or town, or a part thereof, or two or more cities or towns, or any combination or parts thereof. Each district shall have an advisory committee comprised of one member from each city or town in the district, who shall be appointed by the city manager in a city having a city manager, by the mayor in any other city, by the board of selectmen in the town having selectmen, by the town council, or by such other municipal officer, officers, or municipal agency to which or to whom any city or town has delegated the responsibility for solid waste disposal. The members of such committee may be elected officials of such cities or towns and shall serve at the pleasure of their appointing authority.

The comprehensive statewide master plan referred to herein shall describe, to the maximum practicable extent, a short and long-range program for disposal of solid waste throughout the commonwealth, the solid waste facilities which the department determines to be necessary or convenient to the disposal of such waste in a manner which protects the public health, safety and environment and is financially sound, and the funding for the development of such facilities which the department finds to be reasonable necessary.

Without limitation of the foregoing, said plan shall, to the maximum practicable extent, identify:

- (1) the sources, types and quantities of solid waste generated within each city or town;
- (2) the current means for collection, transfer, processing, recycling or other disposal of such waste;
- (3) the adequacy of solid waste facilities with reference to disposal of solid waste in a manner which the department determines is or is likely to protect the public health, safety and environment;
- (4) the means of collection, transfer, processing, recycling or other disposal of such waste which have been reported to the department by each city or town or by any other public or private entity for the five year period beginning with the year for which the statewide plan is prepared;

(5) whether and to what extent the waste identified or reported as described above is currently being disposed of at sites permitted by the department or by a local board of health pursuant to section one hundred and fifty A of chapter one hundred and eleven or with respect to future years, is being proposed for disposal at such sites; and

(6) to the extent disposal is identified as not taking place in any current or future year at such sites, the options available to local public bodies for disposal at such sites or alternative means for which the department finds there is a reasonable likelihood that disposal will take place in an environmentally safe manner and recommendations of the department as to such options or alternative means. Each city or town may prepare a local solid waste management plan to be presented to the department to assist the department in the creation of the statewide plan. Such local plan shall, to the maximum practicable extent, identify:

(1) the sources, types and quantities of solid waste generated within each city or town;

(2) the current means for collection, transfer, processing, recycling or other disposal of such waste, and the length of, and termination date of any existing contract entered into by said city or town for the contracting of the collection, transfer, processing, recycling or disposal of such waste;

(3) whether and to what extent the waste identified or reported as described above is currently being disposed of at sites permitted by the department or by a local board of health pursuant to section one hundred and fifty A of chapter one hundred and eleven, or, with respect to future years, is being proposed for disposal at such sites;

(4) to the extent disposal is identified or reported as not taking place in any current or future year at such sites, the options available to such city or town for future disposal at such sites or for alternative means for which the community finds there is a reasonable likelihood that disposal will take place in an environmentally safe manner and recommendations of said city or town as to such options or alternative means; and

(5) a listing of proposed options for addressing the collection, transfer, processing, recycling or disposal of waste for the next five years. Said plan shall include an estimate of the expected financial resources needed to implement said plan.

**SECTION 2.** Chapter 16 of the General Laws is hereby amended by striking out section 24A, as so appearing, and inserting in place thereof the following section:–

Section 24A. The operator of a privately owned or operated resource recovery facility or landfill shall pay to the city or town in which the facility or landfill is located a tax of one dollar per ton of solid waste processed at the facility. Said tax shall be increased every January first, effective January first, nineteen hundred and eighty-one by the percentage increase of the Boston Consumer Price Index for all urban consumers for the twelve month period ending the previous October first. Such tax shall be in lieu of all taxes, fees, charges or assessments imposed by the city or town in which the facility or landfill is located,

except for real estate taxes imposed solely upon the land on which the said facility or landfill is located. For purposes of this section, a solid waste disposal facility or resource recovery facility shall not include a transfer station.

**SECTION 2A.** Section 1 of chapter 21 of the General Laws, as so appearing, is hereby amended by striking out, in line 28, the words "and a bureau of solid waste disposal".

**SECTION 2B.** Section 8 of chapter 21A of the General Laws, as so appearing, is hereby amended by striking out, in lines 25 and 26, the words "the bureau of solid waste disposal,"

**SECTION 3.** The General Laws are hereby further amended by inserting after chapter 21G the following chapter:-

**CHAPTER 21H.  
SOLID WASTE FACILITIES.**

Section 1. (a) It is hereby determined that:

(1) There is a critical need to eliminate, mitigate and prevent the nuisances and adverse public health effects associated with the collection, processing and disposal of solid waste from whatever source derived, including municipal, industrial, domestic, commercial and other sources or activities.

(2) There is pending throughout the commonwealth a severe shortage in environmentally safe and financially sound capacity for the storage, disposal and processing of solid waste.

(3) The provision of such capacity is an essential public purpose, will constitute the performance of an essential public function and is necessary to the preservation and improvement of the health, welfare and living conditions of the people of the commonwealth, the promotion of industry and employment and all aspects of commerce, the maintenance, protection, conservation and development of safe water supplies, and the protection of the environment overall.

(4) The financial requirements for the provision of environmentally safe solid waste facilities are substantial and require the use of both public and private sources of financing and of facility development and operation experience, the ability to collect user fees to recover costs of providing such capacity, and the ability to finance capital expenditures without undue reliance on the general obligation credit of the commonwealth or of individual cities and towns.

(b) It is hereby declared to be an essential public purpose to achieve the following:

(1) provide a means whereby new and improved capacity for handling solid waste is established in a manner which takes full advantage of current municipal experience in the collection, disposal and storage of such waste;

(2) encourage cities and towns to act together effectively to operate solid waste facilities;

(3) establish a means whereby the commonwealth can act effectively to provide planning, technical, development, financial and other support for solid waste facilities;

(4) establish a framework which encourages and permits private enterprise to participate appropriately in the development and operation of solid waste facilities;

(5) encourage cities and towns to act together effectively to develop and operate household hazardous waste collection programs and related activities.

(c) It is declared to be in the best interests of the citizens of the commonwealth to enact legislation authorizing the department of environmental quality engineering to provide financial assistance to public bodies for the closure of landfills or other solid waste facilities and for the expansion of landfill capacity or other solid waste facilities.

Section 2. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Assessment", a project to investigate, monitor, survey, test and gather information to identify the existence, source, nature and extent of pollution or a threat of pollution and the extent of danger to the public health, safety or welfare, or to the environment. The term shall also include without limitation studies, services and investigations to plan, manage and direct assessment, containment, closure and clean up.

"Clean up", a project for the removal of pollution which restores potability to a drinking water supply or which prevents the contamination of said supply, including without limitation the planning, design, and implementation of appropriate means of assessment and public solution of the contamination problem.

"Closure", a project for the deactivation and completion of a solid waste facility, including without limitation planning, design and implementation of capping, containment, completion and any other activity necessary or incidental to minimize or prevent damage, or threats of damage, to the public health, safety or welfare, or to the environment.

"Construction", a project for the provision of additional solid waste facility capacity, or for closure or containment at existing solid waste facilities, in accordance with all applicable technical and legal requirements, including without limitation planning, design and implementation of facility development, siting, alteration, expansion, improvement or equipping, and all activities necessary or incidental thereto, including acquisition of real or personal property or interests therein.

"Containment", a project for the prevention of leachate generation and migration from a solid waste facility, including without limitation planning, design and implementation of surface sealing, grading, drainage control, lining, slurry trenching, grout curtain sheeting, and other activities necessary or incidental to leachate control.

"Department", the department of environmental quality engineering.

"Drinking water supply", any water within the jurisdiction of the commonwealth, including without limitation rivers, streams, lakes,

ponds, springs, impoundments and groundwater, which is used as a source of drinking water.

"Facility", any place or site where solid waste has been or will be deposited, dumped, stored, transferred or treated, including any landfill, refuse transfer station, refuse incinerator rated by the department at more than one ton of refuse per hour, refuse composting plant, or other work for treating or disposing of solid waste.

"Landfill", any area, site or works for the disposal of solid waste into or on land.

"Person", any natural or corporate person, whether public or private, including corporations, societies, associations and partnerships and bodies politic and corporate, public agencies, authorities, departments, offices and political subdivisions of the commonwealth.

"Pollution", any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing of any material which, because of its quantity, concentration or other characteristics, is or may be injurious to human, plant or animal life or to property, or may unreasonably interfere with the comfortable enjoyment of life or property.

"Public body", any city, town, district, commission, council, financing authority or other political subdivision of the commonwealth, and any agency, authority, board, bureau, commission, council, department or other entity or instrumentality of government.

"Solid waste" or "waste", garbage, refuse, trash, rubbish, sludge, residue or by-products of processing or treatment of discarded material, and any other solid, semi-solid or liquid discarded material resulting from domestic, commercial, mining, industrial, agricultural, municipal, or other sources or activities, but shall not include solid or dissolved material in domestic sewage.

"Tipping fee", the fee or other cost charged by the operator of a solid waste disposal facility for the disposal of solid waste in the facility.

Section 3. (a) The department may provide financial assistance to public bodies for up to one hundred per cent of the costs of the clean up of existing and potential, as determined by the department, drinking water supplies that have been contaminated by leachate from landfills or for the costs of containment projects at landfills when leachate contamination exists or poses an imminent threat to an existing or a potential, as determined by the department, source of drinking water. Said costs may include study and assessment of the extent and nature of the actual or potential water supply contamination caused by the landfill and the costs of assessments to plan, manage, and direct containment and clean up of such contamination. Ninety per cent of the financial assistance provided to any one recipient pursuant to this subsection shall be in the form of a grant; ten per cent of such assistance shall be in the form of a no interest loan. In establishing priorities for making financial assistance available for the assessment and clean up of contaminated drinking water supplies or containment projects pursuant to this section, the department shall consider the extent to which such contamination poses a threat to a public resource or to the public health and safety.

For the limited purposes of awarding financial assistance for the clean up of contaminated water supplies, such clean up shall be declared a public purpose.

(b) (1) The department may provide financial assistance to public bodies for up to ninety per cent of the costs of closure of an existing landfill or other solid waste facility; provided, however, that such closure project is related to an applicant's subsequent disposal of solid waste in a landfill, resource recovery facility or recycling facility involved in the general disposal of solid waste on a regional basis. Eighty per cent of the financial assistance provided to any one recipient pursuant to this subsection shall be in the form of a no interest loan; twenty per cent of such assistance shall be in the form of a grant.

(2) The department may provide loans with interest to public bodies for up to ninety per cent of the costs associated with containment or closure of any landfill or other solid waste facility.

(c) (1) The department may provide financial assistance to public bodies for up to ninety per cent of the costs of construction of landfills or other solid waste facilities which serve as regional facilities and which accept both residential and commercial waste. Said costs may include the costs of any necessary containment done in conjunction with the construction. Sixty per cent of the financial assistance provided to any one recipient pursuant to this subsection shall be in the form of a no interest loan; forty per cent of such assistance shall be in the form of a grant.

(2) The department may provide financial assistance to public bodies for up to ninety per cent of the costs of construction of landfills or other solid waste facilities which serve as regional facilities but which accept only residential waste. Said costs may include the costs of any necessary containment done in conjunction with the construction. Seventy per cent of the financial assistance provided to any one recipient pursuant to this subsection shall be in the form of a no interest loan; thirty per cent of such assistance shall be in the form of a grant.

(d) The department shall reimburse public bodies that own and operate refuse burning facilities for the cost of emissions testing required by clause (c) of section five.

(e) Loans and grants provided by the department pursuant to this section shall be made in accordance with procedures and a priority system established by the department pursuant to rules and regulations adopted pursuant to chapter thirty A after public hearing. In establishing priorities for making financial assistance available pursuant to this chapter, the department shall consider the following:

(1) the extent to which the applicant's plan involves construction of new landfill or other waste disposal facility capacity which permits the closure of existing landfills or facilities determined by the department to constitute a significant, present or foreseeable threat to the environment;

(2) the extent to which such construction project will provide landfill or other waste disposal facility capacity for the general disposal of solid waste on a regional basis or for regional use in connection with resource

recovery or recycling facilities or programs as determined in each such case by the department to be in conformance with its statewide plan prepared under section twenty-one of chapter sixteen;

(3) the extent to which the applicant's plan involves the closure or containment of an existing landfill or other waste disposal facility determined by the department to constitute a significant, present or foreseeable threat to the environment;

(4) the extent to which such a closure project is related to the applicant's subsequent disposal of solid waste in a landfill, resource recovery or recycling facility involved in the general disposal of solid waste on a regional basis or for regional use as determined in each such case by the department to be in conformance with its statewide plan proposed under section twenty-one of chapter sixteen;

(5) whether the landfill or other waste disposal facility construction, containment or closure project as proposed by the applicant is found to be environmentally safe by the department;

(6) the extent to which the applicant or any person whom the applicant proposes to construct or operate the proposed project has complied with existing rules and regulations of the department in relation to the construction or operation of other waste disposal facility landfills, including without limitation rules and regulations related to air and water quality and to the siting of landfills under section one hundred and fifty A of chapter one hundred and eleven. Without limitation of the foregoing, nothing in this section shall be construed to prevent the department from conditioning the provision of financial assistance under this chapter upon the compliance of the applicant or of any other person to be responsible for operation of the facility with existing or amended laws, rules and regulations or policies or procedures of any public body charged with the implementation and enforcement of laws for the protection of the environment;

(7) the extent to which private industry is willing and able to provide facilities or services to municipalities at a total cost less than or equal to the size of the requested financial assistance considering the entire life of the proposed project as defined in section eight of chapter forty-four;

(8) the extent to which the applicant has adopted user fees for municipal solid waste disposal services designed to cover construction and operation costs, prevention of pollution, clean up, repairs, improvements, and closure of disposal facilities;

(9) the extent to which a municipality has planned or implemented a department approved recycling program;

(10) the extent to which a community has planned or implemented a department approved composting program;

(11) the extent to which a municipality has planned or implemented a department approved household hazardous waste separation program; and

(12) the extent to which any owner or operator of a landfill facility refuses to allow a small business interest engaged in collecting solid waste to unload or dispose of solid waste generated within the city, town or district in a landfill or other solid waste facility.



(f) Eligible projects for which money may be distributed pursuant to this section shall be those approved by the department on or after January first, nineteen hundred and eighty-six.

(g) Every public body shall, as a condition of receiving financial assistance under this chapter, except assistance under subsection (a) of section three, have implemented a plan providing for the periodic collection of household hazardous wastes and a plan for the recycling or composting of not less than twenty per cent of the solid waste generated within the area served by such public body. The department may modify the requirements of this subsection upon a determination that it would not be feasible for a public body to meet those requirements.

(h) Public bodies which apply for financial assistance under this chapter shall submit an application and comply with such other requirements as the department shall prescribe. Such applications shall, to the extent considered necessary by the department:

(1) describe how the applicant's project relates to the statewide plan adopted by the department pursuant to section twenty-one of chapter sixteen;

(2) set forth plans and designs for the applicant's project and describe the specific steps which the applicant will take to prevent or minimize damage to the environment which may otherwise be associated with the construction or closure of a landfill or other solid waste facility;

(3) describe the means by which the applicant proposes to finance costs of construction of facilities which will not be funded with financial assistance provided hereunder, and how the applicant proposes to finance operating expenses over the projected useful life of the facility.

(i) No application for financial assistance under this chapter shall be approved by the department unless (1) such applicant has provided such information as is reasonably available to the applicant in connection with the preparation or revision, as the case may be, of the statewide plan by the department pursuant to section twenty-one of chapter sixteen, and (2) the applicant's proposed construction or closure project is in conformance with such statewide plan.

(j) Without limitation of the foregoing, the department may, in furtherance of the purposes of this chapter enter into contracts or agreements with any person including without limitation federal, state or local bodies, and private persons, with respect to any and all matters and on terms and conditions which the department determines to be necessary or convenient to the exercise and performance of its powers and responsibilities under this chapter.

(k) For the purposes of this section, the terms "regional" and "regional basis" shall be deemed to include facilities servicing a municipality which has a population in excess of three hundred thousand or two or more municipalities.

(l) Any loan authorized pursuant to this section shall be repaid under such terms as the secretary of administration shall establish; provided, however, that, unless such loans are specifically designated as interest free, interest shall be charged at a rate on such loans which is no less than the rate at which the commonwealth sold the bonds or notes which

have been authorized to provide the monies for such loan; provided, further, that in the event that no notes or bonds are sold prior to the execution of such loans, said secretary shall make an estimate of the likely interest rate based on prevailing bond market conditions; and provided, further, that the term of years of any such loan shall be established such that it does not exceed the term of years for the general obligation bonds the proceeds of which are utilized to fund such loan program. In the event that any city, town, or district defaults on any such loan, said secretary is hereby authorized and directed to recover the amounts owed under the terms of such loan by reducing the amounts of any distribution by the commonwealth of financial assistance for any fiscal year or fiscal years as appearing on the notification to the assessors required by section twenty-five A of chapter fifty-eight which would otherwise be distributed to such city, town, or district; provided, however, that in the event that a district is found to be in default, said secretary is authorized to proportionately reduce such financial assistance to the member cities and towns in such district. All monies paid to the commonwealth in repayment of such loans shall be deposited into the Local Aid Fund.

Section 4. The department is hereby authorized and directed to establish a program for (i) the discovery and assessment of pollution, or threats of pollution, caused by existing or closed solid waste facilities, (ii) the containment and clean up of such pollution, and (iii) the closure of existing solid waste facilities causing such pollution.

(a) In implementing assessment under said program, the department either may take or arrange for such assessments or may award grants to public bodies, in accordance with rules and regulations adopted by the department pursuant to chapter thirty A after public hearing, for up to one hundred per cent of the costs for such assessments. Such assessments may include without limitation studies, surveys, monitoring, testing and other investigations to identify the existence, source, nature and extent of such pollution and to assess the extent to which such pollution presents an existing or potential danger to the public health, safety or welfare, or the environment, and studies, services and investigations to plan, manage and direct necessary containment, clean up or closure activities.

(b) After the discovery and assessment under subsection (a) of pollution, or a threat of pollution, caused by an existing or closed solid waste facility, the department, in accordance with enforcement authority set forth in applicable statutes and regulations, shall notify the owner of the facility of (i) any requirements to correct such pollution, or threat of pollution, and to bring the facility into conformance with applicable statutes and regulations, and of steps which must be taken to do so; (ii) the need for any further assessment, or if adequate assessment has been made, the need for containment, closure or clean up projects to eliminate, minimize or prevent such pollution or threat of pollution; (iii) any funding available for such assessment, containment, closure or clean up projects under section three; (iv) the department's authority to take or arrange for any such projects under subsection (c); and (v) the liability

provisions of subsections (e) to (h), inclusive, for the costs incurred by the department in taking or arranging for such projects.

(c) Subject to the provisions of subsections (b) and (d), the department is authorized (i) to take or arrange for further assessment of such pollution or threats of pollution, (ii) to take or arrange for containment actions in response to such pollution, or threats of pollution, which will prevent or minimize such pollution so that it does not migrate or otherwise cause or threaten substantial present or future danger to the public health, safety or welfare, or the environment, and (iii) to take or arrange for such closure or clean up activities as may be necessary to prevent, minimize or mitigate damage to the public health, safety or welfare, or the environment, which may result from such pollution, or threats of pollution.

(d) Prior to taking or arranging for any further assessment or any containment, closure or clean up activities under subsection (c), an assessment under subsection (a) shall have been completed, the department shall have informed the owner of the facility as set forth in subsection (b) and the department shall have notified said owner of its intent to take or arrange for such projects.

(e) Except as otherwise provided in this section, the owner of an existing or closed solid waste facility which causes pollution or threat of pollution, and any person who is otherwise legally responsible for such pollution or threat of pollution, shall be liable to the commonwealth for all costs of any further assessment and any containment, closure and clean up incurred by the department relative to such pollution pursuant to subsection (c). Except as provided in subsection (f), such liability shall be joint and several.

(f) Any person otherwise liable for any costs as set forth in subsection (e) who establishes by a preponderance of the evidence that only a portion of such costs is attributable to pollution or threat of pollution for which he is included in said subsection (e) shall be required to pay only such portion.

(g) All persons liable under this section who are liable for pollution or a threat of pollution, caused by an existing or closed solid waste facility, for which the department has incurred costs for assessment, containment, closure or clean up under subsection (c), shall be liable, jointly and severally, to the commonwealth in an amount up to three times their liability as set forth in this section; provided, however, that if any person establishes by a preponderance of the evidence that only a portion of such costs is attributable to pollution or threat of pollution for which he is included in said subsection (c), in which case they shall be required to pay up to three times such portion.

(h) Where the person liable for such pollution or threat of pollution is a city or town, there shall be no liability for the costs of assessment taken or arranged by the department, and the provision of subsection (g) relating to treble liability for costs incurred by the department for containment, closure or clean up shall not apply to such public body, and any liability to the commonwealth under this section, in the case of a city or town shall not be included in the debt of such city or town for the

purpose of ascertaining its legal borrowing capacity, if after receiving notice under subsection (b), and prior to any action by the department under subsection (c), such city or town has taken action to obtain financial resources to support any necessary containment, closure or clean up projects, including without limitation issuing revenue bonds under section twenty-eight C of chapter forty-four or applying in good faith for financial assistance pursuant to section three.

(i) No indemnification, hold harmless or similar agreement or conveyance shall be effective to transfer the liability imposed under this section from the owner of any existing or closed solid waste facility or from any other person who may be liable for pollution or threat of pollution under this section to any other person. Nothing in this paragraph shall bar any agreement to insure, hold harmless, or indemnify a party to such agreement for any liability under this section.

(j) The department, as necessary to carry out the provisions of subsections (a) and (c) may enter into contracts for consultant services, including but not limited to engineering, technical, legal, administrative, accounting, community information, financial, management and investigatory function, and may acquire personal property and interests in real estate by leases, purchases or eminent domain under the provisions of chapter seventy-nine and may pay any relocation benefits required by law.

(k) Nothing in this section shall preclude the department from acting to address pollution or threats of pollution caused by existing or closed solid waste facilities under the authority of section four of chapter twenty-one E.

(l) Any person aggrieved by a determination by the department under subsections (b) to (j), inclusive, may request an adjudicatory hearing before the department under the provisions of chapter thirty A. Any such determination shall contain a notice of the right to request a hearing and may specify a reasonable time limit, not to exceed twenty-one days, within which said person shall request said hearing. If no such request is timely made, the determination shall be deemed assented to. If a timely request is received, the department within a reasonable time shall act upon such request in accordance with the provisions of said chapter thirty A.

A person aggrieved by a final decision in an adjudicatory hearing held under the provisions of this section may obtain judicial review thereof pursuant to the provisions of chapter thirty A.

Section 5. The department shall on a continual basis determine in cooperation with the department of public health (1) whether the air emissions and the ash residue from refuse burning facilities pose a threat to public health through the release of dioxins, furans, or other hazardous constituents, (2) the nature and extent of any such threat, and (3) the appropriate measures to be undertaken to protect public health if a significant threat is identified. To protect public health as required by this section, the department shall have the authority to:

(a) develop and establish procedures to be followed when the department tests or requires other persons to test for the presence of

dioxins, furans, heavy metals or other hazardous constituents in the environment;

(b) conduct tests for the presence of dioxins, furans, or other hazardous constituents in the ambient air at locations in the commonwealth, as determined by the department;

(c) require that persons who own or operate refuse burning facilities test the air emissions, bottom ash, and fly ash from the facilities for the presence of dioxins, furans, heavy metals or other hazardous constituents; provided, however, that such persons shall conduct dioxin testing according to clause (a) at least once every nine months;

(c 1/2) require baseline testing prior to the operation of any new facility;

(d) retain the results of such tests for comparison purposes over time and initiate proper responses when the results of such tests indicate a potential violation of department standards and policies;

(e) make available to interested parties, the general public and residents of municipalities in which refuse burning facilities exist or border the results of such tests together with an explanation of such results as to the adherence by such facilities to department standards and policies;

(f) cause to be designed and established an acute toxics laboratory at the Lawrence Experimental Station capable of analyzing extremely low levels of contaminants in air, water and soil samples; and

(g) promulgate rules and regulations for the land disposal of bottom ash and fly ash from refuse burning facilities which shall protect the public health and environment from any significant adverse effects from the disposal of such ash residue. Said rules and regulations may include, but not be limited to, provision for ash residue landfills to operate with liners, leachate collection systems, daily cover, groundwater monitoring and other systems necessary to prevent contamination of the air, groundwater and surface water.

Section 6. (a) All resource recovery facilities and other solid waste incinerators shall operate with acid gas scrubbers, or such other technology providing equal or greater protection to the public health and environment, as determined by the department in manner and time.

(b) All operators and owners of refuse burning facilities shall be required to set aside three per cent of any tipping fee received from any person for the purpose of providing for the costs of pollution abatement and control equipment and procedures, including but not limited to environmental monitoring such as emission testing, continuous emission monitors, ash residue testing, ambient air testing; environmental assessments; the upgrading of pollution control equipment to provide greater reduction of pollutants; and the installation of new pollution control technologies to reduce environmental contaminants. Said monies shall be paid into a separate fund to be held by the owner of the refuse burning facility, and any interest accumulated by such money shall be paid into the fund.

Any facility which is required to set aside three per cent of any tipping fee pursuant to this section shall file annual reports with the

state auditor. Said annual reports shall contain information sufficient for the state auditor to make a determination that such funds set aside are being managed and used for the purposes set forth in this section. Said state auditor shall consult with the department in making said determination.

If said facility ceases to operate, all unexpended funds, including accrued interest, shall be returned to the users of said facility on a pro rata basis.

Said state auditor, in consultation with the department, may reduce the set aside required by this section for any facility upon a determination that the owner or operator is otherwise required by law, financing agreement, contract or other means to provide for a sufficient reserve to cover anticipated or unanticipated costs related to any upgrading or other required modification of the facility and that the owner or operator has maintained such reserve. Any facility receiving such a reduction in the set aside required by this section shall file annual reports with said state auditor. Such annual reports shall contain information sufficient for said state auditor to make a determination that such reserves continue to exist and be required.

(c) The department shall periodically require operators and owners of refuse burning facilities to upgrade the refuse burning facility for the purpose of providing maximum protection to the environment and to the public health of the commonwealth, and, where applicable, to expend such monies from the fund established pursuant to subsection (b) for such purposes; provided, however, that the lack of availability of sufficient monies in the fund shall not limit the obligation of such owners and operators to carry out any such upgrading.

Section 7. The department, in consultation with the department of food and agriculture, shall establish a program to provide for recycling through composting of leaves and other organic matter.

(a) The department shall be authorized to implement regional yard waste and leaf composting projects and shall utilize state-owned land where feasible. The department shall also be authorized to accept applications from municipalities for grants and to award grants to assist in the development of local and regional composting projects. The department shall promulgate rules and regulations for the operation of a state and local yard waste and leaf composting program.

(b) The department of food and agriculture shall establish an agricultural composting program. Said department of food and agriculture is hereby authorized to establish state and local composting projects, to establish a demonstration agricultural composting program, and to accept applications for grants from municipalities for the purposes of creating agricultural composting projects. Said department of food and agriculture shall promulgate rules and regulations for the operation of state, local, and demonstration agricultural composting programs.

Section 8. Any person who violates any provision of this chapter, or any rule or regulation, order, permit, or approval issued or adopted under the provisions of this chapter: (a) shall be punished by a fine of not more

than twenty-five thousand dollars, or by imprisonment for not more than two years or both, for each such violation; or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each such violation. Each day each such violation occurs or continues shall be deemed a separate offense.

**SECTION 4.** Chapter 29 of the General Laws is hereby amended by striking out section 2J, inserted by section 136 of chapter 199 of the acts of 1987, and inserting in place thereof the following section:-

Section 2J. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Environmental Challenge Fund. There shall be credited to such fund:

any amounts collected pursuant to section sixteen of chapter twenty-one A;

any amounts collected pursuant to chapter twenty-one E;

any amounts collected pursuant to chapter twenty-one H;

any amounts collected pursuant to section ten or section fifteen of chapter four hundred and five of the acts of nineteen hundred and eighty-five; and

any income derived from the investment of amounts credited to said fund.

Amounts credited to said fund shall be used, subject to appropriation, solely for the clean up, control or response actions for oil and hazardous materials, reducing the production of hazardous waste or for any other action necessary to implement sections three A and four of chapter twenty-one E.

**SECTION 5.** Chapter 40 of the General Laws is hereby amended by striking out section 8H, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 8H. A city, town, or district may establish, by approval of the local legislative body, a recycling program for the purpose of recycling any type of solid waste including but not limited to paper, glass, metal, rubber, plastics, used tires and compostable waste. The program may be established for groups of cities, towns, or districts upon agreement of all municipalities or districts in a joint program.

Any recycling program established pursuant to this section may require that all residents, schools and businesses in a city or town separate from their solid waste those recyclables designated by the local legislative body. In cities and towns in which solid waste is collected at the curbside, the recycling program may include curbside collection of such recyclables. In cities and towns in which residents, schools or businesses may take their solid waste to a municipal landfill or transfer station, the recycling program shall include provision for the separation and storage at such landfill or transfer station of the solid waste being disposed by such resident, schools or businesses, and may include collection of recyclables at the curbside.

For purposes of this section, local legislative body shall mean the body of municipal government which is empowered to enact ordinances or

by-laws and adopt an annual budget and other spending authorizations, whether styled as a city council, board of aldermen, town council, town meeting or by any other title. The department of environmental quality engineering shall cooperate with local legislative bodies in the development of recycling programs, and no such program shall be established unless the municipality or district has first consulted with said department.

**SECTION 6.** Section 44B of said chapter 40, as so appearing, is hereby amended by striking out, in line 2, the word "contiguous".

**SECTION 7.** Section 44K of said chapter 40, as so appearing, is hereby amended by adding the following sentence:– Any debt incurred by a regional refuse disposal district shall not be subject to the limit of indebtedness prescribed in section ten of chapter forty-four.

**SECTION 8.** Said chapter 40 is hereby further amended by inserting after section 44K the following section:–

Section 44L. The rights and powers granted to cities and towns by the provisions of section twenty-eight C of chapter forty-four shall apply to regional refuse disposal districts and for the purpose of said section twenty-eight C the chief executive officer of a regional refuse disposal district shall be the regional refuse disposal district committee.

**SECTION 9.** Section 54 of said chapter 40 is hereby amended by adding the following paragraph:–

Every city or town shall require, as a condition of issuing a building permit or license for the demolition, renovation, rehabilitation or other alteration of a building or structure, that the debris resulting from such demolition, renovation, rehabilitation or alteration be disposed of in a properly licensed solid waste disposal facility, as defined by section one hundred and fifty A of chapter one hundred and eleven. Any such permit or license shall indicate the location of the facility at which the debris is to be disposed. If for any reason, the debris will not be disposed of as indicated, the permittee or licensee shall notify the issuing authority as to the location where the debris will be disposed. The issuing authority shall amend the permit or license to so indicate.

**SECTION 10.** Section 9 of chapter 40A of the General Laws is hereby amended by adding the following paragraph:–

A facility, as defined in section one hundred and fifty A of chapter one hundred and eleven, which has received a site assignment pursuant to said section one hundred and fifty A, shall be permitted to be constructed or expanded on any locus zoned for industrial use unless specifically prohibited by the ordinances and by-laws of the city or town in which such facility is proposed to be constructed or expanded, in effect as of July first, nineteen hundred and eighty-seven; provided, however, that all permits and licenses required by law have been issued to the proposed operator. A city or town shall not adopt an ordinance or



by-law prohibiting the siting of such a facility or the expansion of an existing facility on any locus zoned for industrial use, or require a license or permit granted by said city or town, except a special permit imposing reasonable conditions on the construction or operation of the facility, unless such prohibition, license or permit was in effect on or before July first, nineteen hundred and eighty-seven; provided, however, that a city or town may adopt and enforce a zoning or non-zoning ordinance or by-law of general application that has the effect of prohibiting the siting or expansion of a facility in the following areas: recharge areas of surface drinking water supplies as shall be reasonably defined by rules and regulations of the department of environmental quality engineering, areas subject to section forty of chapter one hundred and thirty-one, and the regulations promulgated thereunder; and areas within the zone of contribution of existing or potential public supply wells as defined by said department. No special permit authorized by this section may be denied for any such facility by any city or town; provided, however, that a special permit granting authority may impose reasonable conditions on the construction or operation of the facility, which shall be enforceable pursuant to the provisions of section seven.

**SECTION 11.** Paragraph (g) of section 21 of chapter 40D of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following two sentences:– Such contracts may be for such periods as agreed upon by the parties and, without limiting the generality of the foregoing, may include provisions for the delivery of minimum amounts of refuse, garbage and waste and payments for the use of the facilities to be based thereon; provided, however, that such provisions do not result in the imposition of a contract penalty for municipal participation in a commonwealth approved program of residential source separation of recyclable materials, for unit prices, which may be graduated, and for adjustments thereof. Such contracts may also include provisions for the payment or performance of obligations imposed on cities, towns or other public agencies notwithstanding the interruption, curtailment or abandonment of construction or operation of the facilities; provided, however, that it shall be contrary to public policy to enforce such obligations against a city, town or other public agency unless notice of an operating permit granted approval by the department of environmental quality engineering for the facility shall have been recorded as provided in section one hundred and fifty A of chapter one hundred and eleven, and the interruption, curtailment or abandonment is attributable to circumstances which are beyond the control of the contractor or operator of the facilities and which render it physically or commercially impracticable or legally impermissible to operate the facilities even if the facilities conformed to the operating plans and specifications for which said operating permit was recorded.

**SECTION 12.** Section 7 of chapter 44 of the General Laws, as so

appearing, is hereby amended by striking out clauses (4A) and (4B).

**SECTION 13.** Said section 7 of said chapter 44, as so appearing, is hereby further amended by striking out clause (24).

**SECTION 14.** Section 8 of said chapter 44, as so appearing, is hereby amended by adding the following four clauses:-

(21) For the cost of cleaning up or preventing pollution caused by existing or closed landfills or other solid waste disposal facilities, including clean up or prevention activities taken pursuant to chapter twenty-one E or chapter twenty-one H, thirty years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to the department of environmental quality engineering and the approval of said department has been granted therefor.

(22) For the construction of incinerators, refuse transfer facilities, recycling facilities, composting facilities, resource recovery facilities or other solid waste disposal facilities, other than landfills, for the purpose of disposing of waste, refuse and garbage, twenty years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to the department of environmental quality engineering and the approval of said department has been granted therefor.

(23) For remodeling, reconstructing or making extraordinary repairs to incinerators, refuse transfer facilities, recycling facilities, resource recovery facilities or other solid waste disposal facilities, other than landfills, owned by the city, town or district, and used for the purpose of disposing of waste, refuse and garbage, such amounts as may be approved by the emergency finance board established under section one of chapter forty-nine of the acts of nineteen hundred and thirty-three, and for such maximum term, not exceeding ten years, as said board shall fix; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to the department of environmental quality engineering and the approval of said department has been granted therefor.

(24) For the purpose of closing out a landfill area, opening a new landfill area, or making improvements to an existing landfill area, fifteen years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to the department of environmental quality engineering and the approval of said department has been granted therefor.

**SECTION 15.** Said chapter 44 is hereby further amended by inserting after section 28B the following section:-

Section 28C. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Chief executive officer", the manager in any city having a manager and in any town having a city form of government, the mayor in any

other city, and the board of selectmen in any other town unless some other officer or body is designated to perform the functions of a chief executive officer under the provisions of a local charter or laws having the force of a charter.

"Costs", when used in reference to any work or purpose for which a city or town is authorized to issue debt obligations under this section, means all or any part of the cost of planning, designing, acquiring, constructing, reconstructing, altering, remodeling and otherwise carrying out such work or purpose including, without limitation, costs of labor, materials, machinery and equipment, lands, structures and all rights of any kind in real and personal property, costs of demolitions and relocations, cost of issuance and other financing charges and expenses, reserves for debt service and other capital and current expenses, costs of architectural, engineering, financial, legal and consulting services, costs of plans, specifications, appraisals, surveys, inspections, financial and feasibility studies, and any other costs or expenses authorized herein or necessary or incidental to the planning, acquisition, construction, financing or placing in operation of such work or purpose; the word "cost" shall also include interest prior to, during and for a reasonable period of time after completion of such work or purpose.

"Cost of issuance", any items of expense payable or reimbursable directly or indirectly by a city or town and related to the sale and issuance of debt obligations under this section and the investment of the proceeds therefor and of revenues securing the same, including without limitation printing costs, filing and recording fees, fees and charges of trustees, depositories, authenticating agents and paying agents, legal and auditing fees and charges, financial consultant fees, costs of credit ratings, premiums for insurance of the payment of debt obligations and fees payable for letters or lines of credit or other credit facilities securing debt obligations, discount payable upon the sale of debt obligations, fees and charges for execution, transportation and safekeeping of debt obligations, costs and expenses of refunding and other costs, fees and charges in connection with the foregoing.

"Debt obligation", a bond, a note, a certificate of indebtedness, and any other instrument or evidence of indebtedness, including a debt obligation issued to refund any of the foregoing.

(b) Any city or town is hereby authorized pursuant to a two-thirds vote, from time to time to issue its debt obligations pursuant to this section to pay project costs of (1) cleaning up or preventing pollution caused by existing or closed landfills or other solid waste disposal facilities including clean up or prevention activities taken pursuant to chapter twenty-one E or chapter twenty-one H;

(2) constructing incinerators, refuse transfer facilities, recycling facilities, composting facilities, resource recovery facilities or other solid waste disposal facilities, for the purpose of disposing of waste, refuse and garbage; (3) remodeling, reconstructing or making extraordinary repairs to incinerators, refuse transfer facilities, recycling facilities, resource recovery facilities or other solid waste disposal facilities, owned by the city or town and used for the purpose of

disposing of waste, refuse and garbage; and (4) closing out a landfill area, opening a new landfill area, or making improvements to an existing landfill area. No indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to the department of environmental quality engineering and the approval of said department has been granted therefor.

If a city or town has authorized the issuance of debt obligations in accordance with this section, the treasurer, with the approval of the chief executive officer, may without further authority issue notes in anticipation of such debt obligations, which notes may be paid with the proceeds of such debt obligations. The maturity date of any such notes shall not exceed three years from the date of issue of such notes or six months after the date of completion of the project being financed with such debt obligations, as determined by the chief executive officer, whichever date is later; provided, however, that notes issued to mature earlier than such date may be refunded on other notes maturing no later than three years from the date of issue of the original loan or six months after the completion date of the facility, whichever date is later. Subject to the limitations set forth in this paragraph, the provisions of this section applicable to debt obligations shall also apply to notes issued in anticipation thereof.

The useful life of a project to clean up or prevent pollution caused by existing or closed landfills or other solid waste facilities shall be deemed to be thirty years. The debt obligations may be made redeemable before maturity at the option of the city or town, acting by and through its chief executive officer, or when authorized by a two-thirds vote prior to issuance at the option of the holder of such debt obligations, at such price or prices, with or without premium, and under such terms and conditions as such officer may determine prior to the issue of such debt obligations. Debt obligations may be issued as serial debt obligations or as term debt obligations or as a combination of both, and in coupon or registered form, or both. Provision may be made for the registration of any coupon debt obligations as to principal alone, and also as to both principal and interest, and for the reconversion into coupon debt obligations of any debt obligations registered as to both principal and interest and for the interchange of registered and coupon debt obligations. The treasurer, with the approval of the chief executive officer, shall determine the form of the debt obligations, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the debt obligations and the place or places of payment of principal, premium, if any, and interest, which may be at any bank or trust company within or without the commonwealth.

Debt obligations issued hereunder shall be signed by the manual or facsimile signature of the treasurer and countersigned by the manual or facsimile signature of the treasurer and countersigned by the manual or facsimile signature of the chief executive officer and coupons, if any, appertaining to debt obligations shall bear the facsimile signature of the treasurer. Unless provision is made for the authentication of the debt obligations of an issue by the manual signature of trustee or other

authenticating agent, each debt obligation shall bear at least one manual signature of the aforementioned officers. Debt obligations, other than notes, shall bear thereon the seal of the city or town or a facsimile thereof. In case any officer whose signature or a facsimile of whose signature shall appear on any debt obligations or coupons shall cease to be such officer before the delivery thereof, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until after such delivery.

Debt obligations issued by a city or town pursuant to this section may be sold in such manner, either at public or private sale, and for such price or prices, whether at par, premium or discount, as the treasurer, with the approval of the chief executive officer, may determine.

Any debt obligations issued under authority of this section shall not be included in the debt of a city or town for the purpose of ascertaining its legal borrowing capacity.

(c) The chief executive officer of any city or town is hereby authorized and empowered in connection with any borrowing under this section to enter into one or more trust or security agreements between such city or town and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the commonwealth, or directly between such city or town and the lenders on the debt obligations, necessary to effectuate and to secure such borrowing. Such agreements may pledge or assign, and create a security interest in, in whole or in part, the revenues and other money held or to be received by the city or town from any project being financed or from any fees or charges imposed by such city or town relating to solid waste disposal and any contract or other rights to receive the same, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the city or town and the proceeds thereof. Such agreements may contain such provisions for protecting and enforcing the rights, security and remedies of the holders of such debt obligations as may be reasonable and not in violation of law, including without limiting the generality of the foregoing, provisions defining defaults and providing for remedies in the event thereof, which may include the acceleration of maturities and covenants setting forth the duties of, and limitations on, the city or town in relation to the acquisition, construction, improvement, enlargement, alteration, equipping, furnishing, maintenance, use, operation, repair, insurance and disposition of the project being financed by such debt obligations, the custody, safeguarding, investment and application of money, the issuance of additional debt obligations, the fixing, revision and collection of fees or other charges relating to solid waste disposal, the use of any surplus proceeds of the borrowing, including any investment earnings thereon, the establishment of special funds and reserves and the making and amending of contracts relating to such project.

The pledge of any such agreement shall be valid and binding and shall be deemed continuously perfected for the purposes of chapter one hundred and six and any other law from the time when the pledge is

made; the revenues, money, rights and proceeds so pledged and then held or thereafter acquired or received by a city or town shall immediately be subject to the lien of such pledge without any physical delivery or segregation thereof or further act; and the lien of any such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the city or town, irrespective of whether such parties have notice thereof. No document by which a pledge is created need be filed or recorded except in the records of a city or town and no filing need be made under the provisions of said chapter one hundred and six.

Any such trust agreement may provide that any money received thereunder may be deposited or invested, pending the disbursement thereof, in any deposits or investments which are lawful for the funds of cities or towns pursuant to section fifty-five of chapter forty-four, and shall provide that any officer with whom or any bank or trust company with which such money shall be deposited shall act as trustee of such money and shall hold and apply the same for the purposes hereof and thereof, subject to such regulation or limitation as this section or such agreement may provide.

It shall be lawful for any bank or trust company to act as depository or trustee of the proceeds of debt obligations, revenues or other money pledged under any such agreement and to furnish such indemnifying bonds or to pledge such security and issue such letters or lines of credit or other credit facilities as may be required by the city or town. Any agreement entered into pursuant to this section may set forth the rights and remedies of the holders of any debt obligations and of the trustee and may restrict the individual right of action by any such holders. In addition to the foregoing, any such agreement may contain such other provisions as the city or town may deem reasonable and proper. All expenses incurred in carrying out the provisions of such agreement may be treated as a cost of issuance hereunder. In addition to other security provided herein or otherwise by law, debt obligations issued under this section by a city or town, may be secured, in whole or in part, by insurance or by letters or lines of credit or other credit facilities issued to the city or town by any bank, trust company or other financial institution, within or without the commonwealth, and the city or town may pledge or assign any of its revenues and other money held or to be received by the city or town from the project being financed or from any fees or charges imposed by such city or town relating to solid waste disposal as security for the reimbursement by the city or town to the issuers of such letters or lines of credit, insurance or credit facilities of any payments made thereunder.

Any holder of a debt obligation issued by a city or town under the provisions of this section or of any of the coupons appertaining thereto and any trustee under an agreement securing the same, except to the extent the rights herein given may be restricted by such agreement, may bring suit upon the debt obligations or coupons and may, either at law or in equity, by suit, action, mandamus, or other proceeding for legal or equitable relief, including proceedings for the appointment of a receiver to take possession and control of the facilities financed by such debt

obligations to operate and maintain the same, to make any necessary repairs, renewals and replacements in respect thereof and to fix, revise and collect fees and charges, protect and enforce any and all rights under the laws of the commonwealth or granted hereunder or under such agreement or other agreement, and may enforce and compel the performance of all duties required by this section or by such agreements to be preformed by the city or town or by any officer thereof.

A pledge of revenue in accordance with this section shall constitute a sufficient appropriation thereof for the purposes of any provision for appropriation for so long as such pledge shall be in effect and, notwithstanding any other general or special law to the contrary, such revenues may be applied as required by the pledge and the agreement evidencing the same without further appropriation.

(d) In addition to authority otherwise granted by law, a city or town may, when authorized by a two-thirds vote, issue refunding debt obligations for the purpose of paying any of its debt obligations issued under this section prior to maturity or upon acceleration of redemption. Refunding debt obligations may be issued at such times prior to the maturity or redemption of the refunded debt obligations as the treasurer and chief executive officer deem to be in the best interest of the city or town. The refunding debt obligations may be issued in sufficient amounts to pay or provide for the principal of the debt obligations being refunded, together with any redemption premium thereon, any interest accrued or to accrue to the date of payment of such debt obligations, the costs of issuance of the refunding debt obligations, the costs of redeeming the debt obligations being refunded and such reserves as may be required by any agreement securing the refunding debt obligations. The issue of refunding debt obligations, the maturity or maturities and other details thereof, the security therefor, and the rights of the holders thereof, and the rights, duties and obligations of the city or town in respect of the same shall be governed by the provisions of this section relating to the issue of debt obligations other than refunding debt obligations insofar as the same may be applicable; provided, however, that the refunding debt obligations shall be payable no later than the last date on which any portion of the debt obligations being refunded are payable or within the remaining useful life of the work or purpose financed by the refunded debt obligations, as determined by the chief executive officer, whichever is later. The provisions of section twenty-one A of chapter forty-four shall not apply to any such refunding debt obligations.

(e) Debt obligations issued under authority of this section are hereby made securities in which all insurance companies, trust companies, banking associations, savings banks, cooperative banks, 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 notes or other obligations of a similar nature may properly and legally invest funds, including capital deposits or other funds in their control or belonging to them. Such debt obligations are

hereby made securities which may properly and legally be deposited with and received by any state or municipal office or any agency or political subdivision of the commonwealth for any purpose for which the deposit of bonds or other obligations of the commonwealth now or may hereafter be authorized by law.

Debt obligations issued under authority of this section, their transfer and the income therefrom, including any profit made on the sale thereof, shall be at all times free from taxation within the commonwealth whether or not any such debt obligation shall so provide on its face.

Debt obligations may be issued under this section as herein provided without the consent of any department, division, commission or agency of the commonwealth and without any other proceedings or the happening of any other conditions or things other than those consents, proceedings, conditions or things expressly required therefor herein and the validity of and security for any such debt obligations shall not be affected by the existence or nonexistence of any such consent or other proceedings, conditions or things.

(f) Any city or town acting by and through the officer or officers, board, committee or other body authorized by law, if any, to fix, revise, charge and collect such fees and other charges, otherwise, acting by and through its chief executive officer, is hereby authorized to fix, revise, charge and collect fees and other charges for any facilities or services provided by such city or town as relate to the collection or disposal of solid waste. If a city or town has issued debt obligations under this section, the fees and other charges established as aforesaid shall be fixed and adjusted during any period when such debt obligations are outstanding so as to provide revenues at least sufficient (i) to pay the current expenses of operating and maintaining such facilities and services, (ii) to pay the principal or, premium, if any, and interest on all debt obligations issued by the city or town under this section as the same become due and payable, (iii) to create and maintain such reserves as may be required by a resolution or agreement relating to the issuance of debt obligations hereunder, (iv) to provide funds for paying project costs and maintenance, repair, replacement and renewal costs related to any project financed with debt obligations issued hereunder and (v) to pay or provide for any and all amounts which the city or town may be obligated to pay by law or contract relating to such project. In addition such fees and charges shall be fixed and adjusted so as to provide revenues sufficient to pay any costs incurred by the city or town to clean up or prevent pollution caused by existing active or inactive landfills or other solid waste disposal facilities, including the operation and maintenance of such facilities, or to provide solid waste disposal facilities, including but not limited to the principal of, premium, if any, and interest on debt of the city or town issued pursuant to section seven or eight, and to provide funds for the estimated cost of closing any existing operating solid waste facility, which revenue and funds shall be held by the city or town in a separate fund or funds for subsequent appropriation for such purpose. Except as otherwise provided above, such fees and charges may be fixed and adjusted by each city or town to cover all or any part of the



costs specified above. Cities and towns may collect and enforce by legal proceedings such fees and charges from persons liable therefor and in connection with such collection and enforcement cities and towns may employ all the powers and privileges granted to them by law with respect to any similar fee or other charge including but not limited to the powers and privileges granted cities and towns under the provisions of sections forty-two A to forty-two F, inclusive, of chapter forty and sections sixteen to sixteen F, inclusive, of chapter eighty-three.

(g) In addition to any other power conferred by law, a city or town may from time to time contract for the operation by others of any solid waste facility or facilities financed or to be financed by such city or town in whole or in part under this section or any other general or special law or may from time to time lease the same to others for operation by them and may contract with any such operator for the disposal of refuse, garbage and waste, or for any of the foregoing, or for the purchase or use of by-products or residue resulting from the operation of such facilities. All other cities, towns and other public agencies and private parties are also authorized from time to time to contract with such city or town or with any such operator for the disposal of refuse, garbage and waste, or for any of the foregoing, or from the purchase or use of by-products or residue resulting from the operation of such facilities. Such contracts may be for such periods as agreed upon by the parties and, without limiting the generality of the foregoing, may include provisions for the delivery of minimum amounts of refuse, garbage and waste and payments for the use of the facilities to be based thereon; provided, however, that such provisions do not result in the imposition of a contract penalty for municipal participation in a commonwealth approved program of residential source separation of recyclable materials, for unit prices, which may be graduated, and for adjustments thereof. Such contracts may also include provisions for the payment or performance of obligations imposed on cities, towns or other public agencies notwithstanding the interruption, curtailment or abandonment of construction or operation of the facilities; provided, however, that it shall be contrary to public policy to enforce such obligations against a city, town or other public agency unless notice of an operating permit granted by the department of environmental quality engineering for the facility shall have been recorded as provided in section one hundred and fifty A of chapter one hundred and eleven, and the interruption, curtailment or abandonment is attributable to circumstances which are beyond the control of the contractor or operator of the facilities and which render it physically or commercially impracticable or legally impermissible to operate the facilities even if the facilities conformed to the operating plans and specifications for which said operating permit was recorded. Such payments, unit prices or adjustments need not be specifically stated in said contract but may be determined by formulae if set forth therein. In addition, supplementary charges, or adjustments, may be imposed by the facility upon cities and towns in payment for increases in costs or decreases in revenues, incurred, or projected to be incurred, by the facility as the result of

changes in state or federal laws and regulations directly affecting the operations of the facility. Any such supplementary charge or adjustment shall include documentation which provides a detailed statement accounting for the causes of any increases in costs, or losses of revenues, for which by the terms of the contract a supplementary charge or adjustment may be made, documents prepared by qualified accountants which set forth the assumptions, formulas and calculations used in computing the amount of the supplementary charge or adjustment, and an accounting of the supplementary charge or adjustment being imposed and an evaluation as to whether they are allowable under the terms of the contract and as to whether they have been correctly calculated. At the end of each fiscal year, the facility shall document the actual increases in cost, or decreases in revenues, and the actual amount of additional fees received by the facility during the past year, and determine if the actual increased costs or decreased revenues are at variance with the revenues and expenditures estimated and used to establish the amount of any approved supplementary charge or adjustment. The supplementary charge or adjustment shall be recalculated using the actual figures and the fees for the succeeding year shall reflect the appropriate amounts to be either refunded to or recouped from the cities and towns. Any dispute between a city or town and a facility regarding the imposition of such supplementary charge or adjustment shall be resolved by arbitration at the request of either party. Both parties shall provide all necessary data to assist the arbitrator or arbitration panel in its determination. The findings of the arbitrator or the arbitration panel shall be binding upon the facility and the city or town.

Any contract or lease under this section by a city or town may be entered into by the appropriate officers acting under general authorization of the city council, town council or town meeting and may run for a period not exceeding forty years from the date of the contract or lease or from the date of commencing regular operation of the facility or facilities, as determined or estimated in such contract or lease, whichever date is later. Any contract or lease hereunder may include provisions for arbitration and reasonable restrictions against other disposal by cities, towns or other public agencies of the substances covered thereby while the contract is in force and disposal under the contract is practicable. A contract by a city or town hereunder shall not be subject to section four of chapter forty and shall not be precluded by the acceptance of section nine A of chapter ninety-two. The obligations represented by payments by a city or town under such a contract shall not be included in any determination of the borrowing capacity of such city or town under any limitation on its indebtedness.

In the event that any such solid waste disposal facility includes or is to include facilities for the production of steam as a by-product, any corporation, operating or leasing such solid waste disposal facility, whether domestic or foreign, or other person owning, occupying or operating the facility shall have the powers granted by section twelve of chapter one hundred and fifty-eight but the production and sale of such

steam and the foregoing grant powers shall not cause the corporation or person to be otherwise subject to chapter one hundred and fifty-eight or excluded from chapter one hundred and fifty-six or one hundred and fifty-six B or cause the corporation to be deemed a heat or power company for the purposes of the corporation laws of the commonwealth.

Any contract with a city or town for the operation by others of any solid waste facility or facilities under this section, or any lease of the same to others for operation by them, shall contain such provisions as may be deemed necessary to protect the public interest, including but not limited to provisions as to the rates to be charged or for the approval of such rates by the city or town and provisions requiring approval by the city or town of contracts with third parties for the disposal of refuse, garbage and waste. In entering into contracts or leases for the operation of the facility or facilities, the city or town is directed insofar as practicable, to provide for just and equitable rates and a fair but not excessive return to the operator and to provide for meeting public disposal needs in preference to private needs.

The city or town or any person operating a facility or facilities, including but not limited to recycling facilities, under a contract or lease pursuant to this section shall not be required to pay any property taxes or assessments on any real or personal property included in such facility or facilities or any sales, use or similar tax on the sale, use, storage or consumption of any personal property in such operation. A contract or lease hereunder may provide, however, for payments to the city or town in lieu of taxes and assessments.

(h) The provisions of subsection (c) may be used by a city or town as appropriate in connection with general debt obligations of the city or town issued pursuant to other general or special laws for solid waste disposal purposes as well as in connection with debt obligations issued under this section. The provisions of subsections (f) and (g) are applicable to any city or town whether or not any such city or town has issued debt obligations under this section or under any other provision of law for solid waste disposal purposes.

(i) The provisions of this section shall be deemed to provide an additional and alternative means for the effectuation of the purposes authorized hereby and shall be regarded as supplemental and additional to, and not in derogation of, powers conferred upon cities or towns by other laws; provided, however, that if any provision of this section shall be contrary to or conflict with any provision of any other general or special law in any circumstances, the provision of this section shall control in such circumstances.

**SECTION 15A.** Section 13 of chapter 58 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 37, the words "public works" and inserting in place thereof the words:– environmental quality engineering.

**SECTION 16.** Section 150A of chapter 111 of the General Laws, as amended by section 12 of chapter 174 of the acts of 1987, is hereby

further amended by striking out the first seven paragraphs and inserting in place thereof the following sixteen paragraphs:–

As used in this section and in section one hundred and fifty A 1/2 the following words shall, unless the context otherwise requires, have the following meanings:–

"Department", the department of environmental quality engineering.

"Facility", a sanitary landfill, a refuse transfer station, a refuse incinerator rated by the department at more than one ton of refuse per hour, a resource recovery facility, a refuse composting plant, a dumping ground for refuse or any other works for treating, storing, or disposing of refuse.

"Refuse", all solid or liquid waste materials, including garbage and rubbish, and sludge, but not including sewage, and those materials defined as hazardous wastes in section two of chapter twenty-one C and those materials defined as source, special nuclear or by-product material under the provisions of the Atomic Energy Act of 1954.

"Maintain", to establish, keep or sustain the presence of a facility on a site, whether or not such facility is in operation and whether or not such facility has been closed.

No place in any city or town shall be maintained or operated by any person, including any political subdivision of the commonwealth, as a site for a facility, or as an expansion of an existing facility, unless, after a public hearing, such place has been assigned by the board of health of such city or town in accordance with the provisions of this section, or, in the case of a facility owned or operated by an agency of the commonwealth, such place has been assigned by the department after a public hearing and unless public notice of such assignment has been given by the board of health or the department, whichever is applicable.

The determination by the board of health, or the department in the case of a state agency, of whether to assign a place as a site for a facility, or for the expansion of an existing facility, shall be based upon the site suitability criteria established by the department in cooperation with the department of public health pursuant to section one hundred and fifty A 1/2, and any site assignment shall be subject to such limitations with respect to the extent, character and nature of the facility or expansion thereof as may be necessary to ensure that the facility or expansion thereof will not present a threat to the public health, safety or the environment.

Any person desiring to maintain or operate a site for a new facility or the expansion of an existing facility shall submit an application for a site assignment to the local board of health and simultaneously provide copies to the department and the department of public health. The department shall, upon request by the board of health, provide advice, guidance and technical assistance to said board during its review of a site assignment application. The department and a board of health may enter into such other cooperative agreements in addition to those herein specified for the purpose of achieving an effective and expeditious review of the application. The board of health may charge a reasonable application fee to cover the costs of conducting a hearing and reviewing

technical data submitted to the board. The application fee may also include a portion of the reasonable costs of other technical assistance. The application fee shall be established in accordance with rules and regulations promulgated by the department.

Within sixty days of receipt of said application, the department shall issue a report stating whether the proposed site meets the criteria established under section one hundred and fifty A 1/2 for the protection of the public health and safety and the environment. Any and all such reports shall be made available to the public in a timely fashion prior to any public hearing concerning the site application.

Within sixty days of receipt of said application, the department of public health shall review said application and comment thereon as to any potential impact of a site on the public health and safety. The department of public health may, in addition to its comment, make or cause to be made a public report, in writing, as it relates to an expansion of an existing facility or the assignment of a place as a site for a facility and provide said report with its written comments to the board of health. The department of public health shall coordinate and cooperate with a board of health on any matter relating to said public health report.

Within thirty days of the receipt of the department's report, the board of health shall hold a public hearing satisfying the requirements of chapter thirty A. Within forty-five days of the initial date of such hearing, the board of health shall render its decision on whether to assign a site for a facility, in writing, accompanied by a statement of reasons therefor and publish notice of said decision including determinations of each issue of fact or law necessary to the decision.

No assignment shall be granted by the local board of health unless the department report affirms that the siting criteria of said section one hundred and fifty A 1/2 have been met by the proposed site. The board of health shall consider the concerns, if any, relative to the public health and safety cited by the department of public health. A local board of health shall assign a place requested by an applicant as a site for a new facility or the expansion of an existing facility unless it makes a finding, based on the the siting criteria established by said section one hundred and fifty A 1/2, that the siting thereof would constitute a danger to the public health or safety or the environment.

Any person aggrieved by a decision of a board of health in assigning or refusing to assign a place as a site for a new facility, or expanding or refusing to expand an existing facility, except a resource recovery facility in operation or under construction prior to July first, nineteen hundred and eighty-seven, may, within thirty days of the publication of notice of such decision, appeal under the provisions of section fourteen of chapter thirty A. For the limited purposes of such an appeal, a local board of health shall be deemed to be a state agency under the provisions of said chapter thirty A and its proceedings and decision shall be deemed to be a final decision in an adjudicatory proceeding.

No facility shall be established, constructed, expanded, maintained, operated, or devoted to any past closure as defined by regulation, unless detailed operating plans, specifications, a public health report, if any, and necessary environmental reports have been submitted to the

department and the department has granted a permit for the facility, and notice of such permit is recorded in the registry of deeds, or if the land affected thereby is registered land in the registry section of the land court for the district wherein the land lies. Within one hundred and twenty days after the department is satisfied that said operating plans, specifications, and reports are complete, the department shall make a decision granting or refusing to grant such permit. Said permit may limit or prohibit the disposal of particular types of solid waste at a facility in order to extend the useful life of the facility or reduce its environmental impact.

Every decision by the department granting or refusing to grant such permit shall be in writing and shall contain findings with regard to criteria established by the department. Any person aggrieved by the action of the department in granting or refusing to grant such permit, may appeal said decision pursuant to the provisions of section fourteen of chapter thirty A. For the limited purposes of such an appeal said department action shall be deemed to be a final decision in an adjudicatory proceeding.

Every person maintaining or operating a facility, including every political subdivision of the commonwealth, shall maintain and operate the same in such manner as will protect the public health and safety and the environment. Upon determination that the operation or maintenance of a facility results in a threat to the public health and safety or the environment, such site assignment decision by a board of health may be rescinded or suspended or may be modified through the imposition or amendment of conditions, at any time after due notice and public hearing satisfying the requirements of section eleven of chapter thirty A by the board of health of the city or town where such facility is located or by the department. Any person aggrieved by the decision of the board of health or the department in rescinding, suspending or modifying a site assignment may appeal said decision within thirty days of the publication of notice thereof pursuant to the provisions of section fourteen of chapter thirty A. For the limited purposes of such an appeal a local board of health shall be deemed a state agency under the provisions of said chapter thirty A and said decision shall be deemed to be a final decision in an adjudicatory proceeding and the decision of the department shall be deemed to be a final decision in an adjudicatory proceeding. The department may rescind, suspend or modify the permit upon a determination that the operation or maintenance of the facility results in a threat to the public health and safety or to the environment. Any person aggrieved by such decision of the department may, within thirty days of the publication of notice thereof, appeal said decision pursuant to the provisions of chapter thirty A.

If a facility is a landfill owned or operated by any person other than a town or agency of the commonwealth, such person shall pay to the town where the facility is located an amount in accordance with the provisions of section twenty-four A of chapter sixteen for each ton of solid waste which is disposed of in such landfill. On or before the twentieth day of each month every such person shall file a return subscribed under the

penalties of perjury with the board of health of the town in which such facility is located, on such form as the commissioner of environmental quality engineering shall require for determination of the fee imposed by this paragraph. Said fee shall be due and payable on or before the due date of the return. Notwithstanding the foregoing, however, no fee shall be required or collected from an owner of a privately owned facility used by the owner thereof for the sole disposal of refuse generated from his own premises, and no such return need be filed.

No person shall dispose or contract for the disposal of solid waste at any place which has not been approved by the department pursuant to the provisions of this section or other applicable law.

No site on which a facility was operated shall be conveyed or leased by the owner thereof, or be devoted to any use other than the operation of a facility, until notice that such facility was operated on the site is recorded in the registry of deeds, or if the land affected thereby be registered land, in the registry section of the land court for the district wherein the land lies. No site on which a facility was operated shall be used for any other purpose without the prior written approval of the department.

The department shall adopt and may from time to time amend rules and regulations, and the commissioner may issue orders, to enforce the provisions of this section. Any person, including any political subdivision of the commonwealth who violates this section, or any order issued pursuant thereto, or any rule or regulation promulgated hereunder (1) shall be subject to a fine of not more than twenty-five thousand dollars, or by imprisonment for not more than two years in a house of correction, or both, for each such violation; or (2) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each such violation. Each day each such violation occurs or continues shall be deemed a separate offense. These penalties shall be in addition to any other penalties that may be prescribed by law.

**SECTION 17.** Chapter 111 of the General Laws is hereby amended by inserting after section 150A the following section:–

Section 150A 1/2. The department of environmental quality engineering, in cooperation with the department of public health, shall promulgate rules and regulations for the siting of facilities pursuant to the provisions of section one hundred and fifty A. Said rules and regulations shall establish site suitability standards and criteria and shall include, but not be limited to, the following considerations:

(1) the location, nature and extent of any existing or potential sources of public or private drinking water supplies in relation to the site, including the recharge area of a sole source aquifer;

(2) the relationship of the site to groundwater elevations;

(3) the proximity of wetlands, as defined in section forty of chapter one hundred and thirty-one;

(4) the proximity of surface water bodies;

(5) the proximity of flood plains;

(6) the nature and extent of residential areas in proximity to the site;

- (7) the availability and suitability of access roads to the site;
- (8) whether areas adjacent to the proposed site have been previously used for solid waste disposal;
- (9) the potential for adverse impact on air quality;
- (10) the potential for creation of a nuisance from noise, windblown litter, or the proliferation of rodents, flies or other vermin;
- (11) the potential for the adverse public health and safety impacts;
- (12) the potential impact on agricultural uses;
- (13) the potential adverse impact on wildlife or on wildlife habitat;
- (14) the potential impact of increased traffic volume on roads to the site;
- (15) the extent to which existing solid waste disposal facilities are located within a municipality. Site assignments for new facilities are preferred in municipalities without existing facilities;
- (16) the extent to which the solid waste disposal needs of the municipality in which the site is sought are met as a member of a regional refuse disposal district. Site assignments in municipalities not participating in a regional refuse disposal districts are preferred.

**SECTION 18.** There is hereby established a commission on solid waste management to consist of the secretary of environmental affairs or his designee, who shall serve as chairman, the commissioner of the department of public health or his designee, the commissioner of the department of environmental quality engineering or his designee, the director of the bureau of solid waste disposal, and seven persons to be appointed by the governor, two of whom shall be representatives of statewide environmental groups, two of whom shall be representatives of the solid waste disposal industry, one of whom shall be a representative of the packaging or plastics industry, and two of whom shall be representatives of municipal government. Members appointed by the governor shall serve without compensation and shall serve at the pleasure of the governor. Said commission shall make an investigation and study relative to the adequacy of existing law and statutory procedures in carrying out the purposes of this act. Said commission shall study and comment on methods of encouraging the reduction of the solid waste stream, including, but not limited to, methods of reducing the use of packaging, especially non-recyclable and plastic packaging; evaluate the recycling programs undertaken pursuant to section eight H of chapter forty of the General Laws and recommendations for additional recycling efforts; consider a system of tax incentives for businesses that use or process recycled products; evaluate the composting programs undertaken pursuant to section seven of chapter twenty-one H of the General Laws; consider the development of a program for the management, recycling and disposal of waste tires in the commonwealth; consider the development of programs and curricula for public education systems, and community education programs relative to waste stream reduction; study environmental or public health impacts of resource recovery facilities, including an analysis of the effects of air emissions and ash residue on the public health and environment and make



recommendations as to the proper classification of bottom ash and fly ash; evaluate any new resource recovery technologies; and investigate and evaluate programs employing solar energy in the form of heat and light to purify wastewater to the tertiary level. Such programs should employ natural biological processes, minimal amounts of chemicals and should be labor, energy and cost efficient and should generate harvestable by-products of commercial value.

Said commission shall file its report with the clerks of the house of representatives and the senate not later than July first, nineteen hundred and eighty-nine.

**SECTION 19.** The provisions of sections twelve, thirteen and fourteen of this act shall not affect any debt heretofore issued or authorized but unissued under clause (4A), (4B) or (24) of section seven of chapter forty-four of the General Laws.

**SECTION 20.** The department of environmental quality engineering is hereby authorized and directed to expend a sum, not to exceed thirty-five million dollars, to be raised by the sale of notes and bonds authorized by section twenty-seven of this act, for the following purposes:-

(a) the acquisition or lease of land, structures, facilities, and easements and the planning, design, construction and improvement of solid waste recycling facilities, including the cost of machinery and equipment;

(b) to award grants to cities, towns, or regional refuse districts for equipment and materials or expenses incidental to the development, expansion and implementation of a recycling program integrated into a solid waste recycling facility;

(c) to award grants to support and expand municipal recycling programs, assist municipalities in the marketing and sales of materials recovered through a recycling program, promote increased use of recovered materials by the manufacturing and service industries, and promote research into new applications and uses of recovered materials;

(d) to award grants and technical assistance to local public bodies and implement improved techniques and procedures for solid waste disposal, management and planning; and

(e) to award grants for the preparation of a local solid waste management plan by cities and towns as provided for in section one of this act; from the amount authorized by this section, said department is hereby authorized and directed to expend a sum, not to exceed one hundred and seventy-five thousand dollars for the purpose of preparing a model regional solid waste management plan.

From the amount authorized by this section, the department shall expend twenty-five million dollars for the purposes set forth in paragraph (a) of this section and shall expend ten million dollars for the purposes set forth in paragraphs (b) to (e), inclusive.

**SECTION 21.** The department of environmental quality engineering is

hereby authorized and directed to expend a sum, not to exceed one hundred million dollars, for the purposes of providing grants to public bodies for the clean up of contaminated water supplies as authorized by subsection (a) of section three of chapter twenty-one H of the General Laws and for grants authorized by subsection (d) of said section three of said chapter twenty-one H.

**SECTION 22.** The department of environmental quality engineering is hereby authorized and directed to expend a sum, not to exceed one hundred million dollars, for the purposes of providing loans to public bodies for: (a) up to ten million dollars for the costs of closure of an existing landfill or other solid waste facility as authorized by paragraph (2) of subsection (b) of section three of chapter twenty-one H of the General Laws; (b) up to fifty million dollars for the costs of construction of landfills or other solid waste disposal facilities as authorized by paragraph (1) of subsection (c) of said section three of said chapter twenty-one H; and (c) up to forty million dollars for the costs of construction of landfills or other solid waste facilities as authorized by paragraph (2) of said subsection (c) of said section three of said chapter twenty-one H and for the costs of closure of an existing landfill or other solid waste facility as authorized by paragraph (1) of subsection (b) of said section three of said chapter twenty-one H.

**SECTION 23.** The department of environmental quality engineering is hereby authorized and directed to expend a sum, not to exceed twelve million five hundred thousand dollars, for the purposes of discovery, assessment, containment, clean up, and closure of existing or closed solid waste facilities causing or threatening to cause pollution as authorized by section four of chapter twenty-one H of the General Laws.

**SECTION 24.** The department of environmental quality engineering is hereby authorized and directed to expend a sum, not to exceed seven million dollars, for the purposes of establishing yard waste and leaf composting projects and of awarding grants to municipalities for such projects, as authorized by subsection (a) of section seven of chapter twenty-one H of the General Laws.

**SECTION 25.** The department of food and agriculture is hereby authorized and directed to expend a sum, not to exceed three million dollars, for the purpose of establishing an agricultural composting program as authorized by subsection (b) of section seven of chapter twenty-one H of the General Laws.

**SECTION 26.** The department of environmental quality engineering is hereby authorized and directed to expend a sum, not to exceed three million dollars, for the purpose of establishing an acute toxics laboratory at the Lawrence experimental station as authorized by clause (f) of section five of chapter twenty-one H of the General Laws.

**SECTION 27.** To meet the expenditures necessary in carrying out the

provisions of sections twenty, twenty-one, twenty-two, and twenty-three of this act, 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, but not exceeding, in the aggregate, the sum of two hundred and forty-seven million five hundred thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Local Solid Waste Facilities Loan and Grant, Act of 1987, 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 twelve. All interest and payments on account of the principal of such obligations shall be payable from the Local Aid Fund. Bonds and the interest thereon issued under the authority of this section, notwithstanding any other provision of this act, shall be general obligations of the commonwealth.

**SECTION 28.** To meet the expenditures necessary in carrying out the provisions of sections twenty-four, twenty-five, and twenty-six of this act, 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, but not exceeding, in the aggregate, the sum of thirteen million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Hazardous and Solid Waste Disposal Loan and Grant, Act of 1987, 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 twelve. All interest and payments on account of the principal of such obligations shall be payable from the General Fund. Bonds and the interest thereon issued under the authority of this section, notwithstanding any other provision of this act, shall be general obligations of the commonwealth.

**SECTION 29.** 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 therefor, 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 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-two. Notes and the interest thereon issued under the authority of this act, notwithstanding any other provisions of this act, shall be general obligations of the commonwealth.

**SECTION 30.** The department of environmental quality engineering shall report to the committee on natural resources and agriculture on the procedure and progress of the environmental testing program established pursuant to section five of chapter twenty-one H of the General Laws. Such reports shall be filed no less than annually beginning December thirty-first, nineteen hundred and eighty-seven.

**SECTION 31.** The department of environmental quality engineering shall make available for review and comment a draft of the comprehensive statewide master plan required by section twenty-one of chapter sixteen of the General Laws, not less than thirty days prior to the public hearing referred to therein and in not event later than July first, nineteen hundred and eighty-eight, to the regional planning agencies, to the chief executive officers of the cities and towns and of the local public bodies which the department determines to be engaged in disposal of solid waste, and to such other public bodies including local boards of health, or persons whom the department determines to be concerned with solid waste disposal. A second public hearing shall be held on the final draft of the plan no later than December first, nineteen hundred and eighty-eight. Following such review and hearings, the department shall prepare and publish a plan not later than June first, nineteen hundred and eighty-nine. Thereafter and from time to time to the extent it determines necessary or appropriate, the department shall revise said plan after review and a public hearing. Any revision of said plan shall require an available draft for review and comment not less than thirty days prior to such public hearing with copies of same sent to regional planning agencies, and to the chief executive officers of the cities and towns and to the local public bodies which the department determines to be engaged in disposal of solid waste, and to such other public bodies including local boards of health, or persons who the department determines to be concerned with solid waste disposal. A second public hearing shall be held on the final draft of the plan not later than one hundred and eighty days from the date of the first public hearing on the initial draft.

**SECTION 32.** The department of environmental quality engineering, in consultation with the department of food and agriculture, shall establish a program for recycling through composting of leaves and other organic matter, referred to in section seven of chapter twenty-one H of the General Laws on or before March thirty-first, nineteen hundred and eighty-eight.

**SECTION 32A.** The department of environmental quality engineering shall on or before April first, nineteen hundred and eighty-eight promulgate rules and regulations defining recharge areas of surface drinking water supplies as required by section nine of chapter forty A of the General Laws.

**SECTION 32B.** The provisions of section eight H of chapter forty of

the General Laws shall not prohibit the continued operations of any recycling commission established before the effective date of this section. Such previously established commissions may continue to operate consistent with the provisions of said section eight H of said chapter forty.

**SECTION 33.** Within one hundred and twenty days of the effective date of this act, the department of environmental quality engineering shall promulgate rules and regulations, pursuant to chapter thirty A of the General Laws, which shall establish siting criteria and procedures to be utilized by local boards of health in any decision to assign or refuse to assign a site for a facility pursuant to the provisions of section one hundred and fifty A of chapter one hundred and eleven of the General Laws; provided, however, that the absence of such rules and regulations shall in no way prevent a board of health from exercising the powers authorized pursuant to said section one hundred and fifty A prior to the effective date of this act. The department shall create an advisory board to be appointed by the commissioner of the department of environmental quality engineering consisting of nine persons three of whom shall be representatives of municipalities, one of whom shall be a member of the Massachusetts Association of Health Boards and one of whom shall be a member of the Massachusetts Municipal Association, two of whom shall be representatives of the solid waste industry and two of whom shall be representatives of statewide environmental public interest groups to assist the department in the drafting of the siting criteria procedures.

The department, after consultation with said advisory board shall include in such rules and regulations guidelines as to the amount of the application fee that may be charged by local boards of health pursuant to said section one hundred and fifty A of said chapter one hundred and eleven.

**SECTION 34.** The department of environmental quality engineering shall submit any rules and regulations promulgated under the provisions of this act to the committee on natural resources and agriculture for its review within sixty days prior to the effective date of said regulations.

**SECTION 35.** The department of environmental quality engineering may, as necessary to carry out the provisions of section twenty-three of this act, enter into contracts for consultant services, including but not limited to, engineering, technical, legal, administrative, accounting, community information, financial, management and investigatory functions and may acquire personal property and interests in real estate by lease, purchases or eminent domain under the provisions of chapter seventy-nine of the General Laws and may pay any relocation benefits required by law.

**SECTION 36.** Funds provided in this act shall be in addition to funds previously authorized for similar purposes.

**SECTION 37.** Section 2A of chapter 834 of the acts of 1969, as most recently amended by section 307 of chapter 706 of the acts of 1975, is hereby further amended by striking out, in line 1, the word "management" and inserting in place thereof the following words:—quality engineering.

**SECTION 38.** All employees whose duties are transferred to a department, commission, or other unit of state government pursuant to sections one, one A, two A, two B, fifteen A and thirty-seven 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 appointments 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, 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 39.** 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 pursuant to sections one, one A, two A, two B, fifteen A and thirty-seven 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 so transferred, 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 identifications 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 40.** 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 pursuant to sections one, one A, two A, two B, fifteen A and thirty-seven of 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 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 41.** 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 pursuant to sections one, one A, two A, two B, fifteen A and thirty-seven of this act 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 said sections.

**SECTION 42.** All duly existing contracts, real or personal property interests or obligations which relate to or arise from the exercise of the powers and duties of section one of chapter eight hundred and

thirty-four of the acts of nineteen hundred and sixty-nine shall remain unimpaired and in full force and effect notwithstanding the passage of this act.

Notwithstanding any provision to the contrary in this act, the department of environmental quality engineering is hereby authorized to exercise all the rights and to perform all the duties provided pursuant to said section one of said chapter eight hundred and thirty-four, relative to all contractual or other obligations entered into or real or personal property interests acquired thereunder prior to the effective date of this act including, without limitation, the authority to enter into future contracts which arise from or relate to such property interests and obligations.

**SECTION 43.** All monies heretofore appropriated for a department, commission, or other unit of state government, concerning the powers and duties which are transferred pursuant to sections one, one A, two A, two B, fifteen A and thirty-seven of this act for the purpose of the exercise of such powers of 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 44.** Wherever the name of a department, commission or other unit of state government concerning the powers and duties which are transferred pursuant to the provisions of sections one, one A, two A, two B, fifteen A and thirty-seven 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 45.** 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.

**SECTION 46.** There is hereby established a special commission to consist of two members of the senate, three members of the house of representatives, the secretary of consumer affairs and business regulations or his designee, the secretary of environmental affairs or his



designee, the commissioner of the department of public utilities or his designee, the attorney general or his designee, and eight persons to be appointed by the governor, four of whom shall be representatives of the solid waste disposal industry, including at least two representatives of the resource recovery industry, two of whom shall be representatives of municipal government and two of whom shall be representatives of recognized statewide consumer groups, to make an investigation and study relative to the rate structure and fee charges of the solid waste disposal industry in the commonwealth and the merits, if any, of additional regulation on such rate structure and fee charges. Said investigation and study shall consider the feasibility of state or municipal assumption of ownership or operation of solid waste facilities.

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 July first, nineteen hundred and eighty-nine.

**SECTION 47.** The department of environmental quality engineering shall promulgate rules and regulations pursuant to chapter twenty-one C of the General Laws relative to collection, storage, transportation, and disposal of household hazardous waste and high school hazardous waste. For the purpose of said program, household hazardous waste shall be defined as any hazardous waste which is generated in the normal course of household activities from single or multiple residences, excluding hotels or motels. High school hazardous waste shall mean any hazardous waste generated, stored or accumulated in a public high school for use in educational classes or programs in chemistry, biology, or physics, which has (1) served its original purpose and is no longer suitable for said original purpose; or (2) is a by-product generated as a result of activities conducted in such educational classes and programs; and (3) is in a pure or off-specification form and is intended to be discarded. The department may establish a special permit procedure for the collection and storage of household hazardous waste and high school hazardous waste for a period not to exceed nine months or another period set by regulation, which does not constitute disposal. Said rules and regulations shall allow the department to waive the requirements of chapter twenty-one D of the General Laws.

The department of environmental management shall establish a program of grants to cities, towns, and regional planning agencies for programs to provide for the safe disposal of household hazardous waste. Said program shall provide for the establishment of collection sites and the dissemination of information concerning said sites, and include a program of education. Said funds shall be administered by cities, towns, and regional agencies pursuant to standards, rules, and regulations established by the department of environmental management. The collection, transport and disposal of the household hazardous waste shall be conducted in compliance with regulations promulgated by the

department of environmental quality engineering pursuant to chapter twenty-one C of the General Laws relative to household hazardous waste and high school hazardous waste.

**SECTION 48.** The department of environmental quality engineering shall establish a grant program for the purpose of educating the public on the importance and methods of waste stream reduction. The department shall provide grants to public bodies for the development of programs in public schools relating to waste stream reduction and for community education programs relating to waste stream reduction.

**SECTION 48A.** Notwithstanding the provisions of section six of chapter twenty-one H of the General Laws, resource recovery facilities and other solid waste incinerators operating prior to January first, nineteen hundred and eighty-seven, but not operating prior to January first, nineteen hundred and seventy-seven shall operate with such acid gas technology or such other technology as is necessary to protect the public health and environment in accordance with the provisions of section six of chapter twenty-one H of the General Laws and other applicable law, as determined by the department in manner and time on a facility by facility basis.

Resource recovery facilities and other solid waste incinerators operating prior to January first, nineteen hundred and seventy-seven shall, no later than July first, nineteen hundred and eighty-nine operate with acid gas scrubbers or such other technology providing equal or greater protection to the public health and environment, as determined by the department.

**SECTION 49.** Any municipality which is party to a contract or service agreement in effect on the effective date of this act, which contract or service agreement provides for the payment of a service fee for the disposal of municipal waste at a resource recovery facility, and where under such contract or service agreement the service fee is computed in such a way as will cause to be included therein all or any portion of the cost attributable to the installation of acid gas scrubbers or such other technology required to be installed as a result of section forty-eight A of this act, shall be eligible to receive annual or one-time reimbursement from the commonwealth for such attributable costs, as determined by the secretary of administration and finance. Any municipality that owns or operates a resource recovery facility or other solid waste incinerator as of the effective date of this act shall be eligible for reimbursement from the commonwealth for the cost of the installation of acid gas scrubbers or such other technology required to be installed by said section forty-eight A. Said secretary shall require, as needed, detailed cost and revenue reports of such municipalities for their solid waste disposal efforts as well as such reports from the relevant solid waste facilities in order to ascertain the appropriate level of reimbursement as authorized by this section. Said secretary shall also take into account any reimbursement amounts issued pursuant to this section in the

---

**ACTS, 1987. – Chap. 585.**

determination of municipalities' costs and revenues for the purposes of recommending local aid amounts. The governor shall submit reimbursement recommendations, if any, as part of the annual budget submission to the general court. Any and all reimbursements as authorized by this section shall be subject to appropriation.

**SECTION 50.** Section twenty-four A of chapter sixteen of the General Laws, as amended by section two of this act, shall not abrogate or affect the provisions of chapter eighty-four of the acts of nineteen hundred and eighty-five.

Approved December 17, 1987.

---

**Chapter 585. AN ACT RELATIVE TO THE ISSUANCE OF REFUNDING BONDS AND NOTES BY CITIES, TOWNS AND DISTRICTS.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately issue refunding bonds and notes by cities, towns and districts, 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 21A of chapter 44 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the first sentence the following sentence:- The first annual payment of principal on account of an issue of refunding bonds or notes shall not be later than the earliest stated principal maturity date of any of the bonds or notes being refunded and the annual payments thereafter shall be arranged in accordance with the provisions of section nineteen; provided, however, that any annual payment earlier than the date on which the first annual payment is required to be made, may be in any amount.

**SECTION 2.** Notwithstanding any general or special law to the contrary, the acquisition, construction and installation of electric generating and appurtenant facilities, including land and other related equipment, for use by the Nantucket Electric Company shall be considered an "industrial enterprise" for the purposes of chapter forty D of the General Laws; provided, however, that this section shall apply only to bonds issued by the Massachusetts Industrial Finance Agency, established pursuant to section thirty-one of chapter twenty-three A of the General Laws.

Approved December 21, 1987.

---

**ACTS, 1987. – Chaps. 586, 587, 588.**

**Chapter 586. AN ACT RELATIVE TO THE APPOINTMENT OF FIRE LIEUTENANTS IN THE FIRE DEPARTMENT OF THE CITY OF BOSTON.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of any general or special law or rule to the contrary, for the purposes of determining seniority in title and eligibility for promotional examination, the date of permanent appointment to the title of fire lieutenant in the fire department of the city of Boston for any person provisionally appointed between July second, nineteen hundred and eighty-six and August seventh, nineteen hundred and eighty-seven and permanently appointed thereto prior to September fourth, nineteen hundred and eighty-seven shall be deemed to be the date of such provisional appointment.

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

Approved December 21, 1987.

---

**Chapter 587. AN ACT FURTHER DEFINING THE TERM FIRE FIGHTER.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 7 of chapter 4 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "department", in line 334, the words:- , including, without limitation, any permanent crash crewman, crash boatman, fire controlman or assistant fire controlman employed at the General Edward Lawrence Logan International Airport.

**SECTION 2.** Section 94A of chapter 32 of the General Laws, as so appearing, is hereby amended by inserting after the word "department", in line 5, the words:- , including, without limitation, any permanent crash crewman, crash boatman, fire controlman or assistant fire controlman employed at the General Edward Lawrence Logan International Airport.

Approved December 21, 1987.

EMERGENCY LETTER: February 12, 1988 @ 4:17 P.M.

---

**Chapter 588. AN ACT RELATIVE TO HOLDERS IN DUE COURSE.**

Be it enacted, etc., as follows:

Chapter 231 of the General Laws is hereby amended by inserting after section 91A the following section:-

Section 91B. It shall be a defense to any claim for libel or slander brought by a vendor against a purchaser of goods or services that the statement on which the claim is based relates to a loan from a bank used to purchase such goods or services and was made by the purchaser in good faith to an agent or employee of such bank.

Approved December 21, 1987.

---

**Chapter 589. AN ACT RELATIVE TO DISPUTE RESOLUTION.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 1078 of the acts of 1973 is hereby amended by striking out section 4A, as most recently amended by section 238 of chapter 351 of the acts of 1981, and inserting in place thereof the following section:–

**Section 4A.** (1) (a)(i) There shall be in the executive office of labor, but not subject to the jurisdiction thereof, a committee to be known as the joint labor-management committee, in this section referred to as the committee. The committee shall be composed of fourteen members, including a chairman and a vice-chairman and such alternate members as the committee shall approve. Twelve committee members shall be appointed by the governor as follows: three firefighters from nominations submitted by the Professional Firefighters of Massachusetts, International Association of Firefighters, AFL-CIO, three police officers from nominations submitted by the International Brotherhood of Police Officers, NAGE, SEIU, AFL-CIO, and the Massachusetts Police Association, and six from nominations submitted by the Advisory Commission on Local Government established under section sixty-two of chapter three of the General Laws. Said twelve members shall be appointed for a term of three years; provided however that in making his initial appointments, the governor shall appoint one member nominated by said professional firefighters organization for a term of one year, one such member for a term of two years, and one such member for a term of three years; one member nominated by said professional police organization for a term of one year, one such member for a term of two years, and one such member for a term of three years; and two members nominated by said advisory commission for a term of one year; two such members for a term of two years, and two such members for a term of three years. Any member of the committee may be removed by the governor for neglect of duty, malfeasance in office, or upon request by the nominating body.

(ii) The chairman and vice-chairman shall be nominated by the committee, and appointed by the governor for a term of three years. The chairman shall be the chief administrative officer of the committee. The vice-chairman shall assist the chairman and may be authorized by the chairman to act for him in his absence and shall have the full powers of the chairman when so authorized and he shall vote

only in the absence of the chairman.

(iii) Alternate members may serve for such term and under such conditions, as the committee shall determine. Said professional police organizations, professional fire organization, and said advisory commission shall specify alternate members to represent their respective members, subject to the approval of the full committee.

(b) In matters exclusively pertaining to municipal firefighters, committee members nominated for appointment by professional police organizations shall not vote. In matters exclusively pertaining to municipal police officers, committee members nominated for appointment by professional firefighters organizations shall not vote. All committee members shall be eligible to vote on matters of common and general interest. The number of committee members representing the local government advisory commission and the number of committee members representing the professional firefighters or police organizations entitled to vote on any matter coming before the committee shall be equal. The chairman may cast the deciding vote on any matter relating to a dispute concerning negotiations over the terms and provisions of a collective bargaining agreement, including any decision to take jurisdiction over a dispute.

(c) Members and alternate members of the committee shall serve without compensation, but shall be entitled to reimbursement, out of any funds available for the purpose, for reasonable travel or other expenses actually incurred in the performance of their committee duties. The chairman and vice-chairman shall be compensated for time spent for the committee business on a per diem basis at a rate to be determined by the secretary of administration and finance. The committee may purchase such supplies and equipment, and may employ such clerical, staff and other personnel who shall not be subject to the provisions of section nine A of chapter thirty or chapter thirty-one of the General Laws, as they deem necessary to the conduct of committee business out of any funds available for the purpose. Members and alternate members of the committee employed by a municipality shall be granted leave, if on duty, by the municipal employer for those regularly scheduled work hours spent in the performance of committee business.

(2) (a) The committee shall have oversight responsibility for all collective bargaining negotiations involving municipal police officers and firefighters. The committee shall, at its discretion, have jurisdiction in any dispute over the negotiations of the terms of a collective bargaining agreement involving municipal firefighters or police officers; provided, however, that the committee may determine whether the proceedings for the prevention of any prohibited practices filed with the labor relations commission shall or shall not prevent arbitration pursuant to this section.

(b) After notification by the committee, the parties to any municipal police and fire negotiations shall file with the committee, in such time as the committee orders:

- (1) copies of all requests to bargain, and of all bargaining agenda;
- (2) notification of the apparent exhaustion of the processes of

collective bargaining;

(3) notification of all pending unfair labor practice proceedings between the parties;

(4) copies of any factfinding reports;

(5) notification of any impasse extending beyond completion of factfinding procedures;

(6) copies of any collective bargaining agreements, and any relevant personnel ordinances, by-laws, and rules and regulations; and

(7) such other information as the committee may reasonably require.

(c) Notwithstanding the provisions of the first paragraph of section nine of chapter one hundred and fifty E of the General Laws to the contrary, when either party or the parties acting jointly to a municipal police and fire collective bargaining negotiations believe that the process of collective bargaining has been exhausted the party or both parties shall petition first the committee for the exercise of jurisdiction and for the determination of the apparent exhaustion of the process of collective bargaining.

The committee shall forthwith review the petition and shall make a determination within thirty days whether to exercise jurisdiction over the dispute. Subject to the provisions of the second paragraph of clause (d) of this subdivision, if the committee declines to exercise jurisdiction over the dispute or fails to act within thirty days of receipt of the petition on jurisdiction, the petition shall be automatically referred to the board of arbitration and conciliation, hereinafter referred to as the board, for disposition in accordance with the provisions of section nine of chapter one hundred and fifty E of the General Laws.

The petition to the committee shall identify the issues in dispute, the parties, the efforts of the parties to resolve the dispute and such other information as may be prescribed in the rules of the committee.

Said board shall not accept any petition from a party to a municipal police and fire negotiation under section nine of chapter one hundred and fifty E of the General Laws if the petition has not been first reviewed in accordance with the provisions of this section by the committee.

(d) The committee or its representatives or mediators appointed by it may meet with the parties to a dispute, conduct formal or informal conferences, and take other steps including mediation to encourage the parties to agree on the terms of a collective bargaining agreement or the procedures to resolve a dispute. The committee shall make every effort to encourage the parties to engage in good faith negotiations to reach settlement through negotiation or mediation, and may, upon a vote of the committee, initiate factfinding proceedings.

The committee after consultation with the board of arbitration and conciliation may remove at any time from the jurisdiction of the board any dispute in which the board has exercised jurisdiction, and the board shall then take no further action in such dispute. The committee may, at any time, remand to the board any dispute over which the committee has exercised jurisdiction. The board shall assist and cooperate with the committee in its performance of the committee's duties. Disputes over which the committee does not exercise jurisdiction shall be governed by

all other applicable provisions of law.

(3) (a) The committee shall have exclusive jurisdiction in matters over which it assumes jurisdiction and shall determine whether issues in negotiations have remained unresolved for an unreasonable period of time resulting in the apparent exhaustion of the processes of collective bargaining. If the committee makes such a determination it is authorized to hold a hearing to identify:

(1) the issues that remain in dispute;

(2) the current positions of the parties;

(3) the views of the parties as to how the continuing dispute should be resolved; and

(4) the preferences of the parties as to the mechanism to be followed in order to reach a final agreement between the parties.

If the committee, after a full hearing, finds there is an apparent exhaustion of the processes of collective bargaining which constitutes a potential threat to public welfare, it shall so notify the parties of its findings.

Within ten days of such notification, the committee shall also notify the parties of its intent to invoke such procedures and mechanisms as it deems appropriate for the resolution of the collective bargaining negotiations. Such procedures and mechanisms may include, but need not be limited to:

(1) any form of arbitration, including, but not limited to, conventional arbitration, issue by issue or last best offer;

(2) arbitration for all or any issue in dispute; provided, however, that the committee may direct the parties to conduct further negotiations concerning issues not specified for arbitration;

(3) single arbitrators, including the chairman, vice-chairman or an outside neutral arbitrator;

(4) an arbitration board, which may include labor and public management representatives as voting or non-voting members;

(5) separate stages or procedures for the executive and legislative bodies of a municipality.

The factors to be given weight in any decision or determination resulting from the mechanism or procedures determined by the committee to be followed by the parties in order to reach final agreement pursuant to this section shall include, but not be limited to:

(1) Such an award which shall be consistent with: (i) section twenty-one C of chapter fifty-nine of the General Laws, and (ii) any appropriation for that fiscal year from the fund established in section two D of chapter twenty-nine of the General Laws.

(2) The financial ability of the municipality to meet costs.

The commissioner of revenue shall assist the committee in determining such financial ability.] Such factors which shall be taken into consideration shall include but not be limited to: (i) the city, town, or district's state reimbursements and assessments; (ii) the city, town or district's long and short term bonded indebtedness; (iii) the city, town or district's estimated share in the metropolitan district commission's deficit; (iv) the city, town or district's estimated share in the



Massachusetts Bay Transportation Authority's deficit; and (v) consideration of the average per capita property tax burden, average annual income of members of the community, the effect any accord might have on the respective property tax rates on the city or town.

(3) The interests and welfare of the public.

(4) The hazards of employment, physical, educational and mental qualifications, job training and skills involved.

(5) A comparison of wages, hours and conditions of employment of the employees involved in the arbitration proceedings with the wages, hours and conditions of employment of other employees performing similar services and with other employees generally in public and private employment in comparable communities.

(6) The decisions and recommendations of the factfinder, if any.

(7) The average consumer prices for goods and services, commonly known as the cost of living.

(8) The overall compensation presently received by the employees, including direct wages and fringe benefits.

(9) Changes in any of the foregoing circumstances during the pendency of the dispute.

(10) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of wages, hours and conditions of employment through voluntary collective bargaining, mediation, factfinding, arbitration or otherwise between parties, in the public service or in private employment.

(11) The stipulation of the parties.

Any decision or determination resulting from the mechanism or procedures determined by the committee if supported by material and substantive evidence on the whole record shall be, subject to the approval by the legislative body of a funding request as set forth in this section, binding upon the public employer and employee organization, as set forth in chapter one hundred and fifty E of the General Laws, and may be enforced at the instance of either party or the committee in the superior court in equity; provided, however, that the scope of arbitration in police matters shall be limited to wages, hours, and conditions of employment and shall not include the following matters of inherent managerial policy: the right to appoint, promote, assign, and transfer employees; and provided, further, that the scope of arbitration in firefighter matters shall not include the right to appoint and promote employees. Assignments shall not be within the scope of arbitration; provided, however, that the subject matters of initial station assignment upon appointment or promotion shall be within the scope of arbitration. The subject matter of transfer shall not be within the scope of arbitration, provided however, that the subject matters of relationship of seniority to transfers and disciplinary and punitive transfers shall be within the scope of arbitration. Notwithstanding any other provisions of this act to the contrary, no municipal employer shall be required to negotiate over subjects of minimum manning of shift coverage, with an employee organization representing municipal police officers and firefighters. Nothing in this section shall be construed to include within the scope of arbitration any matters not otherwise subject to collective

bargaining under the provisions of chapter one hundred and fifty E of the General Laws. The employer shall submit to the appropriate legislative body within thirty days after the date on which the decision or determination is issued a request for the appropriation necessary to fund such decision or determination, with his recommendation for approval of said request. Notwithstanding the foregoing, where the legislative body is a town meeting, such request shall be made to the earlier of (i) the next occurring annual town meeting, or (ii) the next occurring special town meeting. The employer and the exclusive employee representative shall support any such decision or determination in the same way and to the same extent that the employer or the exclusive employee representative, respectively, is required to support any other decision or determination agreed to by an employer and an exclusive employee representative pursuant to the provisions of said chapter one hundred and fifty E of the General Laws. If the municipal legislative body votes not to approve the request for appropriation, the decision or determination shall cease to be binding on the parties and the matter shall be returned to the parties for further bargaining. The committee may take such further action as it deems appropriate, including without limitation, inquiring as to the municipal legislative body's vote.

The commencement of a new municipal finance year prior to the final awards by the arbitration panel shall not be deemed to render a dispute moot, or to otherwise impair the jurisdiction or authority of the arbitration panel or its award. Any award of the arbitration panel may be retroactive to the expiration date of the last contract.

If a municipal employer, or an employee organization willfully disobeys a lawful order of enforcement pursuant to this section, or willfully encourages or offers resistance to such order, whether by strike or otherwise, the punishment for each day that such contempt continues may be a fine for each day to be determined at the discretion of said court. Such fine shall be in addition to such other remedies as the court may determine.

No member of a unit of municipal police officers or firefighters who is employed on a less than full-time basis shall be subject to the provisions of this clause.

When the parties to a municipal police or fire collective bargaining negotiation jointly design their own dispute resolution procedures, they may divest the committee of jurisdiction by presenting a written agreement of their procedures to the committee; provided, however, that the committee finds that said procedures provide for a final resolution of the dispute, without resort to strike, job action, or lockout; and provided, further that if the committee subsequently finds that either of the parties fails to abide by said procedures, the committee shall assume jurisdiction of the dispute.

(b) In any dispute resolution conducted by other than the committee or its members or staff, the parties shall share and pay equally the costs involved in such resolution; provided, however, that pursuant to a vote of the committee and subject to the availability of funds for the purpose thereof, said costs may be paid by the committee.

(c) The committee shall have jurisdiction in any particular dispute concerning job titles over which the parties have negotiated or to remove specific job titles from collective bargaining for individuals performing certain specific management duties.

(4) The committee shall promulgate rules and regulations necessary for the performance and enforcement of the responsibilities and powers set forth in this act; provided, however, that said committee file a copy of any regulations or amendments thereto with the clerks of the senate and the house of representatives who, with the approval of the president of the senate and speaker of the house of representatives, shall refer such regulations to an appropriate committee of the general court. Within thirty days after such filing, the appropriate committee of the general court shall hold a hearing on such regulations and shall issue a report and file a copy with the joint labor-management committee. Said joint labor-management committee shall consider such report and make revisions in the regulations as it deems appropriate in view of such report and shall forthwith file a copy of the final regulations with the chairman of the committee of the general court to which the regulations were referred.

On or before the first Wednesday of each year in which the provisions of clause (a) of subdivision (3) of this section are in effect, the committee shall file with the clerks of the senate and of the house of representatives, and with the chairmen of the special commission on dispute resolution established under chapter two of the resolves of nineteen hundred and eighty-four, a report assessing the efficacy of the provisions of said clause in decreasing the length and severity of municipal public safety bargaining disputes, and the other impacts, if any, of said provisions on the collective bargaining process. Such report shall include a full listing of any matters in which the provisions of said clause were invoked during the previous twelve months, and the final disposition of any such matters, together with the committee's recommendations, if any, for the modification or extension of said provisions.

The provisions of chapter thirty A of the General Laws, unless otherwise provided, shall apply to the committee.

The committee shall have the power to administer oaths and to require by subpoena the attendance and testimony of witnesses, the production of books, records, and other evidence relative to or pertinent to the issues presented to the committee.

**SECTION 2.** Notwithstanding the provisions of section one of this act to the contrary, any person serving as a member of the joint labor-management committee immediately preceding the effective date of this act shall continue in such service for a period of one year, after which period initial appointments shall be made by the governor, pursuant to the provisions of this act.

**SECTION 3.** The provisions of clause (a) of subdivision (3) of section four A of chapter one thousand and seventy-eight of the acts of nineteen

---

**ACTS, 1987. - Chaps. 590, 591.**

hundred and seventy-three, inserted by section one of this act, shall cease to be operative on April first, nineteen hundred and ninety, and any arbitration proceeding pending on April first, nineteen hundred and ninety shall be completed under the provisions of said clause (a).

**SECTION 4.** The terms of any collective bargaining agreement in effect prior to the effective date of this act shall remain in full force and effect until the expiration date of said agreement.

Approved December 21, 1987.

---

**Chapter 590. AN ACT EXEMPTING THE POSITION OF CHIEF OF POLICE IN THE TOWN OF FRAMINGHAM 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 Framingham 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 the incumbent of the position of chief of police in the town of Framingham.

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

Approved December 23, 1987.

---

**Chapter 591. AN ACT AUTHORIZING THE TOWN OF WEST NEWBURY TO GRANT AN EASEMENT IN CERTAIN LAND UNDER THE CONTROL OF THE PARKS AND RECREATION COMMITTEE OF SAID TOWN.**

Be it enacted, etc., as follows:

**SECTION 1.** The town of West Newbury is hereby authorized to grant an easement to the West Newbury Housing Authority for access to and the construction, repair and maintenance of sewerage disposal facilities, equipment and leaching fields in a certain parcel of land under the control of the park and recreation committee of said town. Said parcel is bounded and described as follows: beginning at a point five hundred (500) feet westerly of Bachelor street at the southwestern corner of "Site C" transferred under Article 21 of the November twelfth, nineteen hundred and eighty-six special town meeting, then running westerly by land owned by the town of West Newbury three hundred thirteen (313) feet; then running northerly by land owned by the town of West Newbury

---

**ACTS, 1987. - Chaps. 592, 593.**

four hundred and twenty-five (425) feet; then running easterly by land owned by the town of West Newbury three hundred forty-three (343) feet; and then running southerly by land owned by the town of West Newbury four hundred and twenty-five (425) feet to the point of beginning, said parcel containing 3.20 acres more or less.

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

Approved December 23, 1987.

---

**Chapter 592. AN ACT DIRECTING THE DEPARTMENT OF PUBLIC WORKS TO REIMBURSE RALPH E. GURNEY, JR. OF THE TOWN OF FREETOWN.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately direct the department of public works to reimburse Ralph E. Gurney, Jr., 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:

In order to discharge a moral obligation, the department of public works is hereby authorized and directed to reimburse, from any available funds, Ralph E. Gurney, Jr. of the town of Freetown the sum of one thousand nine hundred and twenty-seven dollars and thirty-two cents for costs incurred in drilling a new water supply well in March, nineteen hundred and eighty-four for the purpose of replacing a salt contaminated well.

Approved December 23, 1987.

---

**Chapter 593. AN ACT ESTABLISHING THE SAVINGS BANKS EMPLOYEES BENEFIT ASSOCIATION.**

Be it enacted, etc., as follows:

Chapter 168 of the General Laws is hereby amended by adding the following three sections:-

Section 42. The participating members of the Savings Banks Employees Retirement Association, established by section thirty-nine shall constitute as the Savings Banks Employees Benefit Association, in this section and in sections forty-three and forty-four called the benefit association, for the purpose of providing retirement benefits through retirement plans which are not qualified plans under section 401 of the Internal Revenue Code of the United States and for establishing employee welfare benefit plans, in this section called plans, for eligible

employees of participating organizations. The benefit association, in its name and by or through its authorized officers, may (a) establish plans and related trusts for eligible members participating therein, (b) make agreements, establish trusts and make or cause to be made investments subject to such limitations as may from time to time be prescribed by law or by the by-laws of the benefit association, (c) sue and be sued, plead and be impleaded, (d) enforce liens and other obligations and foreclose mortgages held by the benefit 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 that may be necessary to carry out the powers conferred upon it by law and its by-laws.

For the purposes of this section and sections forty-three and forty-four, reference to "bank" and "banks" shall, unless the context otherwise requires, mean and include any or all member organizations and a reference to "trustees" of a bank shall, unless the context otherwise requires, mean and include the governing body of each of such organizations.

Eligible employees may contribute a portion of their salaries or wages to or under plans established by the benefit association, to be deducted by the employing banks and paid to the benefit association. A participating bank may contribute to or under plans of the benefit association to the extent determined by its trustees. Contributions and benefits under the plans of the benefit association shall not exceed the limits, if any, imposed on such plans by the Internal Revenue Code of 1954, as amended, and the Employee Retirement Income Security Act of 1974, as amended, in this section called the Code and ERISA, respectively.

All plans maintained by the benefit association shall conform to the Code and funds held under the plans of the benefit association shall be invested in such manner as the benefit association shall determine, consistent with the by-laws. Funds held under plans of the benefit association shall be held by or used by the benefit association for the exclusive purpose of providing plan benefits to eligible members and, as determined by the benefit association, may be used to defray reasonable expenses of administering the plans and investing the assets of the plans. To the extent that expenses necessary for the administration of the benefit association or the plans of the benefit association are not paid from the plans, they shall be paid by participating banks on a proportionate basis, as provided in the by-laws.

A participating bank, by vote of its trustees, may adopt one or more of the plans of the benefit association for the benefit of its employees and their beneficiaries. Nothing in this section shall be construed so as to prevent any such bank from establishing its own employee welfare benefit plans or non-qualified retirement plan.

Section 43. The trustees of the Savings Banks Employees Retirement Association, on the effective date of this section, shall prepare the by-laws of the benefit association and file the same with the commissioner. The said by-laws shall prescribe the manner in which, and

the officers and agents by whom, the benefit association will be conducted and the manner in which its funds may be invested and paid out. They shall also provide that the said trustees of the Savings Banks Employees Retirement Association shall serve as the initial trustees of the benefit association and shall continue such service for the term prescribed in such by-laws and for the election of subsequent trustees. Such benefit association shall annually, within six months after the close of its fiscal year, report to the commissioner such statements of its membership and financial transactions 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 benefit association.

The benefit 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 benefit associations.

Section 44. The property of the benefit 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 benefit association, a participating bank, or any employee member of the benefit association. No assignment of any right in or to said funds or of any pension or annuity payable under section forty-two 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 December 23, 1987.

---

**Chapter 594. AN ACT RELATIVE TO THE PURITY OF BOTTLED WATER SOLD COMMERCIALY IN THE COMMONWEALTH.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 94 of the General Laws is hereby amended by striking out section 10A, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 10A. No person shall engage within the commonwealth in the business of manufacturing or bottling carbonated non-alcoholic beverages or water, both carbonated and noncarbonated, for human consumption without a permit to do so from the board of health of the town wherein such plant is, or is to be, located, and no person engaged without the commonwealth in said business shall sell any such beverage within the commonwealth without a permit from the state department of public health, and no person shall sell or exchange, deliver, advertise, or

offer for sale or exchange, or attempt to deliver, or have in his possession with intent to do so, any such beverage unless the manufacturer and bottler thereof is the holder of a permit issued under the authority of section ten B and then in full force.

**SECTION 2.** Said chapter 94 is hereby further amended by inserting after section 10D the following section:-

Section 10D 1/2. All persons permitted to manufacture, bottle or sell water intended for human consumption under section ten A or ten B shall, at least annually, cause to be tested by a laboratory certified as provided herein, the water contained in their finished bottled water product. If the water source or sources from which such water product is derived is located within the commonwealth, the laboratory performing such tests shall be certified by the department of environmental quality engineering to perform such tests for water quality purposes. If the water source or sources from which such water product is derived is located without the commonwealth, the laboratory performing such tests shall be certified to perform such tests for water quality testing purposes by the appropriate agency within that state or jurisdiction wherein such laboratory is located. The testing for finished bottled water product shall include those physical, chemical, microbiological and radiological test parameters required by the department of environmental quality engineering for the testing of public water supplies. The department of public health in consultation with the department of environmental quality engineering, may, from time to time, require by rule and regulation such additional tests as it deems necessary for the protection of the public health.

The department of public health shall require any person manufacturing, bottling or selling such water to test for physical, chemical and microbiological parameters at least annually. Said department shall require that radiological testing of the finished product be performed at least once every four years. Test results shall be submitted to said department on or before November the first of the year when such tests are required. Said department shall make available to the public, upon request, any test results so submitted upon payment of a reasonable fee to be determined by the department.

**SECTION 3.** Said chapter 94 is hereby further amended by striking out section 10E, as so appearing, and inserting in place thereof the following section:-

Section 10E. The state department of public health and the local boards of health may make rules and regulations to carry out the provisions of sections ten A to ten D 1/2, inclusive, and section ten E 1/2.

**SECTION 4.** Said chapter 94 is hereby further amended by inserting after section 10E the following section:-

Section 10E 1/2. The state department of public health shall establish rules and regulations for water standards and labeling requirements for finished bottled water products which meet, at a minimum, the labeling



---

**ACTS, 1987. – Chap. 595.**

requirements and quality standards for bottled water product set by the Federal Food and Drug Administration; provided, however, that said department shall by further regulation, establish criteria and standards which would require a label to bear a statement of sodium content per serving of certain bottled water products as determined by the department.

**SECTION 5.** Section 10F of said chapter 94, as appearing in the 1986 Official Edition, is hereby amended by striking out, in lines 1 and 2, the word "ten E" and inserting in place thereof the word:– ten E 1/2.

Approved December 23, 1987.

---

**Chapter 595. AN ACT ESTABLISHING ADDITIONAL DISCLOSURE REQUIREMENTS IN CERTAIN CONSUMER CREDIT TRANSACTIONS.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 140 of the General Laws is hereby amended by inserting after section 114B the following section:–

Section 114C. A card issuer as defined in section one of chapter one hundred and forty D, whether located within or without the commonwealth, may assess an annual fee provided that the cardholder as defined by said section one, is notified of the amount of any such fee on or with the billing statement for the billing period prior to that in which the annual fee is billed to the cardholder's account. A cardholder may cancel his credit card agreement at any time during this period without penalty. If the cardholder cancels the agreement at any other time during the year, he shall receive a refund on a pro-rata basis of two-thirds of the annual fee.

A card issuer shall report quarterly to the commissioner the finance charge rate expressed as an annual percentage rate and the amount of any annual or other fee charged during the preceding quarter to its cardholders and the conditions under which a finance charge may be imposed, including the time period within which any credit extended may be repaid without incurring a finance charge. The commissioner shall publicize and make this information readily available to the public.

**SECTION 2.** Chapter 140D of the General Laws is hereby amended by inserting after section 15 the following section:–

Section 15A. Any application form or pre-approved written solicitation for an open-end credit plan and any printed advertisement which contains such application form or pre-approved written solicitation which is mailed or distributed on or after July first, nineteen hundred and eighty-eight, to a consumer residing in the commonwealth by or on behalf of a credit issuer, whether such issuer is located within or without the commonwealth, and which is intended to aid, promote or

assist directly or indirectly in the issuance of a credit card by any issuer, shall prominently disclose in easily understood language: the current annual percentage rate for finance charges and, if the rate may vary, a statement to that effect and of the circumstances under which the rate may increase and whether there are any limitations on any such increase, as well as the effects of any such increase; the conditions under which a finance charge may be imposed, including the time period within which any credit extended may be repaid without incurring a finance charge; whether any annual fee is charged and the amount of any such fee; and whether any other charges or fees may be assessed, the purposes for which they are assessed, and the amounts of any such charges or fees.

The card issuer may submit examples of application forms, pre-approved written solicitations, and printed advertisements containing such application forms and pre-approved written solicitations to the commissioner for a determination as to whether they satisfy the requirements of this section. Approval by the commissioner shall constitute prima facie evidence of compliance with this section.

**SECTION 3.** Section 12H of chapter 255 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following paragraph:-

A card issuer, whether located within or without the commonwealth, may assess an annual fee provided that the cardholder is notified of the amount of any such fee on or with the billing statement for the billing period prior to that in which the annual fee is billed to the cardholder's account. A cardholder may cancel his charge card agreement at any time during this period without penalty. If the cardholder cancels the agreement at any other time during the year, he shall receive a refund on a pro-rata basis of two-thirds of the annual fee; provided, however, that for the purposes of this section a cancellation is not effective until the cardholder pays in full any outstanding balance.

Approved December 23, 1987.

---

**Chapter 596. AN ACT RELATIVE TO INVESTMENTS BY BANKS.**

Be it enacted, etc., as follows:

Section 2 of chapter 167F of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after paragraph 7 the following paragraph:-

7A. To invest, subject to the approval of the commissioner and under such limitations or conditions as he may impose, in the capital stock or shares of a subsidiary corporation or trust which is treated as a real estate mortgage investment conduit pursuant to the provisions of 26 USC 860D.

Approved December 23, 1987.

**Chapter 597. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY LAND IN THE TOWN OF BLACKSTONE TO SAID TOWN FOR RECREATION AND CONSERVATION PURPOSES.**

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 to forty J, inclusive, of chapter seven of the General Laws, to sell and convey by deed approved as to form by the attorney general, two certain parcels of land located in the town of Blackstone, presently used for conservation purposes, to the town of Blackstone, subject to the requirements of sections two, three and four and to such additional terms and conditions as the deputy commissioner may prescribe, in consultation with the department of environmental management.

Said parcels are described as follows:-

**PARCEL ONE:** A parcel of land containing one and nine-tenths (1.9) acres, more or less, and shown on the Town of Blackstone assessor's map, Town of Blackstone, Plat 7, Lot 5;

**PARCEL TWO:** A parcel of land containing one (1.0) acre of land, more or less, and shown on the town of Blackstone assessor's map, Town of Blackstone, Plat 8, Lot 123.

**SECTION 2.** No deed conveying by or on behalf of the commonwealth, the property described in section one shall be valid unless such deed provides that said property shall be used for recreation and conservation purposes.

**SECTION 3.** Consideration for this conveyance shall be the fair market value as determined by the average of two independent appraisals. The appraisers shall be selected by the division of capital planning and operations in consultation with the department of environmental management. The cost of preparing the appraisals, surveys and other expenses as deemed necessary by the deputy commissioner for the conveyance of said property shall be paid by the town of Blackstone. The deputy commissioner of the division of capital planning and operations and the commissioner of the department of environmental management, in consultation with the town of Blackstone, in lieu of payment as provided herein, may accept on behalf of the commonwealth, an exchange of land of equal or greater value and importance for conservation purposes.

**SECTION 4.** In the event the property described in section one ceases at any time to be used for the purposes described in section two, the property shall revert to the commonwealth, and the consideration paid therefor shall be reimbursed to said town.

Approved December 23, 1987.

**Chapter 598. AN ACT AUTHORIZING THE CHANGING OF CERTAIN TOWN AND DISTRICT ELECTIONS AND ANNUAL MEETINGS.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the changing of certain town and district elections and annual meetings, 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 28 of chapter 53 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following two paragraphs:-

Notwithstanding the provisions of any general or special law, town charter or by-law to the contrary, if the date for holding a preliminary, primary or town election or annual town meeting falls within thirty days before or after the presidential primary, the town council in a town having a town council and the board of selectmen in any other town, after consulting the town clerk may, by majority vote, establish a date between February first and May thirty-first for holding such preliminary, primary or town election or annual town meeting. Any preliminary, primary or town election or annual meeting shall be held on the date or dates established and shall be called as provided by sections nine A and ten of chapter thirty-nine.

Notwithstanding the provisions of any general or special law to the contrary, if the date for holding a district election falls within thirty days before or after the presidential primary, the prudential committee, if any, otherwise the commissioners, of the district may, by majority vote, establish a date between February first and May thirty-first for holding such district election. Any district election shall be held on the date established and shall be called as provided by section one hundred and nineteen of chapter forty-one. For the purposes of this section, district shall mean a district created by special law or established under the provisions of a general law.

Approved December 24, 1987.

---

**Chapter 599. AN ACT VALIDATING A CERTAIN VOTE TAKEN BY THE TOWN OF WEST NEWBURY.**

Be it enacted, etc., as follows:

**SECTION 1.** The action taken by the town of West Newbury by the vote taken at the election held on May fifth, nineteen hundred and eighty-six to exempt from the annual tax limitations of section twenty-one C of chapter fifty-nine of the General Laws on bonds to be

---

**ACTS, 1987. - Chaps. 600,601.**

issued to enlarge, renovate and furnish the Grand Army of the Republic Memorial library is hereby ratified, validated, and confirmed, notwithstanding any defect or omission in the calling of said election.

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

Approved December 24, 1987.

---

**Chapter 600. AN ACT PROVIDING THAT JOHN McCahill MAY CONTINUE EMPLOYMENT AS A COURT OFFICER.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provision of section seventy-two of chapter two hundred and twenty-one of the General Laws or any other general or special law to the contrary, John McCahill, a court officer of the superior court department of the trial court in Norfolk county is hereby authorized to continue in such position until his seventy-third birthday; provided, however, that he is mentally and physically capable of performing the duties of his office or position. Said John McCahill 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 the date of his seventieth birthday and upon retirement said employee shall receive a superannuation retirement allowance equal to that which he would have been entitled had he retired on said date.

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

Approved December 24, 1987.

---

**Chapter 601. AN ACT AUTHORIZING THE CITY OF REVERE TO GRANT A CERTAIN PENSION TO RICHARD J. JAMES.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of any general or special law or rule to the contrary, the retirement board of the city of Revere is hereby authorized and directed to increase the pension payable to Richard J. James, a retired sergeant in the police department of the city of Revere who, as a result of injuries sustained by him while in the performance of his duties as a police officer, is totally and permanently disabled for further service as a police officer. The annual amount of pension payable to Richard J. James under the provisions of this act shall be fixed at an amount equal to the regular rate of compensation which

---

**ACTS, 1987. – Chap. 602.**

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. The annual pension payable to said Richard J. James 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 this act. Said Richard J. James shall be entitled to receive and shall receive all annual cost of living adjustments in his annual pension granted under the provisions of any general or special law. Upon the effective date of this act, the retirement board of said city shall forthwith pay to him all the amounts standing to his credit in the annuity savings or annuity reserve funds for the retirement system of said city.

**SECTION 2.** The provisions of section one hundred of chapter forty-one of the General Laws shall apply to Richard J. James relative to his indemnification by the city of Revere for any hospital, medical, and related expenses which may be incurred by him after the effective date of this act as a result of the aforementioned incapacity.

**SECTION 3.** Upon the death of said Richard J. James, if he leaves a wife surviving him and as long as she remains unmarried, the city of Revere shall pay to her an annual annuity equal to the amount of three-fourths of the amount of the pension payable to said Richard J. James at the time of his death. Upon the death or remarriage of the survivor wife of said Richard J. James, said city shall pay to the surviving children of Richard J. James 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 Richard J. James at the time of his death. If said Richard J. James is unmarried at the time of the effective date 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 December 24, 1987.

---

**Chapter 602. AN ACT EXEMPTING CERTAIN POSITIONS IN THE OFFICE OF THE CITY CLERK OF THE CITY OF REVERE FROM THE CIVIL SERVICE LAW.**

Be it enacted, etc., as follows:

**SECTION 1.** All positions in the office of the city clerk of the city of Revere 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

---

**ACTS, 1987. - Chaps. 603, 604.**

service status of any person employed in the office of the city clerk on the effective date of this act.

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

Approved December 24, 1987.

---

**Chapter 603. AN ACT AUTHORIZING THE TOWN OF WESTON TO PAY A CERTAIN UNPAID BILL.**

Be it enacted, etc., as follows:

**SECTION 1.** The town treasurer of the town of Weston is hereby authorized to pay from available funds to Sumner & Dunbar, Incorporated, the sum of nineteen thousand six hundred and fifteen dollars and fourteen cents for water pipe, notwithstanding the failure of said town to comply with the appropriate provisions of law relative to competitive bidding in the awarding of the contract.

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

Approved December 24, 1987.

---

**Chapter 604. AN ACT AUTHORIZING THE HAVERHILL MUNICIPAL HOSPITAL TO ENTER INTO COOPERATIVE AGREEMENTS WITH PRIVATE ENTITIES.**

Be it enacted, etc., as follows:

**SECTION 1.** The mayor of the city of Haverhill, with the approval of the city council and the board of trustees of the Haverhill Hale Municipal Hospital, may enter into agreements on behalf of the city and said hospital with any individual, private corporation, partnership or other entity to provide, jointly, medical services within the city or any adjacent municipality, or to engage in any activity or undertaking necessary or incidental thereto. Any such agreement may be for such period, not to exceed five years, as may be approved by the city council and the board of trustees. No such agreement shall provide for any subsidy or obligation for the payment of any money by the city thereunder to any person except for payments representing fair consideration for services rendered by, or goods received from, such person.

**SECTION 2.** No agreement shall be executed under the provisions of this act unless the chief executive officer or administrator of the hospital, hereinafter called the hospital administrator, shall have issued a request for proposals in accordance with the provisions of this section.

Prior to issuing such request, the hospital administrator shall undertake such studies as are necessary to determine the economic feasibility of the terms and conditions, including selection criteria, to be set forth in the request, and shall prepare a written analysis of the anticipated benefits and costs to the hospital and the city of the proposed joint provision of medical services, as compared with other alternative means of providing such medical services. Not less than two weeks before soliciting proposals, the hospital administrator shall submit to the mayor, city council and the board of trustees the request for proposals and all studies and written analysis relating thereto.

The request for proposals shall include:

(1) all criteria that will be utilized for the evaluation of proposals, together with a statement that such evaluation shall be based solely on said criteria;

(2) all items or categories of information which must be included in the proposal, and a format for submitting such information;

(3) a statement of those terms and conditions which shall not be subject to negotiation;

(4) a statement that any agreement may incorporate by reference the proposal of the selected person; and

(5) a statement that any agreement shall include a provision for remedies on behalf of the city in the event the selected person defaults on any of its terms.

Notice of the request for proposals shall be published at least once, not less than two weeks prior to the time specified for the receipt of proposals, in a newspaper of general circulation in the city. Such notice shall be posted for at least two weeks on the principal official bulletin board of the city and in a conspicuous place at the hospital until the time specified for receipt of proposals. Said notice shall provide a general description of the services desired and shall indicate where, when and for how long requests for proposals may be obtained.

Taking into consideration the financial terms of the proposals and the evaluations based on the criteria set forth in the request for proposals, the hospital administrator, with the approval of the mayor, the city council and the board of trustees, shall determine the most advantageous proposal. He may negotiate revisions in the proposal selected. He may reject any and all proposals if he determines that rejection is in the best interests of the city and the hospital.

If the hospital administrator selects a proposal which did not offer the lowest cost to the city, he shall state in writing the justification for such decision. The hospital administrator shall maintain a written record of evaluations and negotiations undertaken pursuant to this act, and shall retain such record with the proposals.

**SECTION 3.** If the financial interest or commitment of the city and the hospital under an agreement authorized under this act is equal to or greater than that of the other parties, in the aggregate, all applicable laws and ordinances relating to procurement of supplies, services or real property, or the disposal of supplies or real property, shall apply to any



---

**ACTS, 1987. - Chaps. 605, 606.**

such procurement or disposal. If the financial interest or commitment of the city and the hospital is less than that of the other parties, in the aggregate, such laws and ordinances shall be applicable to the extent such procurement or disposal is undertaken by or for the city or the hospital.

**SECTION 4.** No agreement shall be executed under the provisions of this act until a statement, signed under the penalties of perjury, has been filed with the city clerk by each other party to the agreement, giving the true names and addresses of all persons who have or will have a direct or indirect beneficial interest in said agreement. The provisions of this section shall not apply to any stockholder of the corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation.

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

Approved December 24, 1987.

---

**Chapter 605. 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 Stanley C. Rosenberg as he is a representative in the general court in the commonwealth in Hampshire county on January first, nineteen hundred and eighty-eight between Donna Jean Stephenson of the town of Amherst and Robert Lawrence Lynch of the town of Amherst, and the state secretary shall issue to said Stanley C. Rosenberg in his capacity as aforesaid a certificate of such authorization.

Approved December 24, 1987.

---

**Chapter 606. AN ACT ESTABLISHING A CEREMONIAL POSITION OF STATE CRIER.**

---

**ACTS, 1987. – Chaps. 607, 608.**

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 15EEE, inserted by chapter 168 of the acts of 1987, the following section:-

Section 15FFF. The governor shall appoint a person to be titled as the Official State Crier and Greeter of the Commonwealth. Said crier and greeter shall be subject to the jurisdiction and control of the division of tourism. The director of said division shall establish the official duties of said crier and greeter, and said position shall be co-terminus with the governor. Said crier and greeter, subject to the approval of the director and to such funds as may be so appropriated, may be reimbursed for reasonable expenses as previously determined and realized in the conduct of his official duties.

Approved December 24, 1987.

---

**Chapter 607. AN ACT DESIGNATING THE ADMINISTRATION BUILDING AT THE BUNKER HILL COMMUNITY COLLEGE AS THE HAROLD E. SHIVELY ADMINISTRATION BUILDING.**

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the administration building at the Bunker Hill community college located in the Charlestown district of the city of Boston is hereby designated as the Harold E. Shively administration building in honor of the founding president of said community college, Harold E. Shively. A suitable marker bearing such designation shall be attached thereto by the trustees of the Bunker Hill community college.

Approved December 24, 1987.

---

**Chapter 608. AN ACT EXEMPTING CERTAIN PRECIOUS METALS FROM THE SALES TAX.**

Be it enacted, etc., as follows:

Section 6 of chapter 64H of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following paragraph:-

11) Sales of one thousand dollars or more of (i) rare coins of numismatic value; (ii) gold or silver bullion or coins; or (iii) gold or silver tender of any nation except the Republic of South Africa or Namibia traded and sold according to its value as precious metal. The word

---

**ACTS, 1987. - Chaps. 609, 610.**

"bullion" shall not include fabricated precious metal which has been processed or manufactured for industrial, professional or artistic uses.

Approved December 24, 1987.

EMERGENCY LETTER: January 26, 1988 @ 11:40 A.M.

---

**Chapter 609. AN ACT INCREASING THE FINE IMPOSED FOR THE NON-CRIMINAL DISPOSITION FOR THE VIOLATION OF ANY ORDINANCE, BY-LAW, RULE OR REGULATION IN CITIES AND TOWNS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 21D of chapter 40 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 43, the word "two" and inserting in place thereof the word:- three.

**SECTION 2.** Said section 21D of said chapter 40, as so appearing, is hereby further amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

The notice to appear provided for herein shall be printed in such form as the chief justice of the municipal court of the city of Boston shall prescribe for said court, and as the chief justice of the district courts shall prescribe for the districts courts. Said notice may also include notice of violations pursuant to section eleven C of chapter eighty-five, section eighteen A of chapter ninety, section sixteen A of chapter two hundred and seventy, and section one hundred and seventy-three A of chapter one hundred and forty. Any fines imposed under the provisions of this section shall enure to the city or town for such use as said city or town may direct. This procedure shall not be used for the enforcement of municipal traffic rules and regulations. Chapter ninety C shall be the exclusive method of enforcement of municipal traffic rules and regulations.

Approved December 24, 1987.

---

**Chapter 610. AN ACT RELATIVE TO THE OFFICE FOR CHILDREN LICENSING SANCTIONS.**

Be it enacted, etc., as follows:

**SECTION 1.** Paragraph (c) of section 10 of chapter 28A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out clause (9) and inserting in place thereof the following:- (9) organization, financing and administration; and (10) the imposition of civil fines and other sanctions. Fines authorized by this section shall range from fifty dollars to one thousand dollars; provided, however, that

---

**ACTS, 1987. – Chap. 611.**

in no case shall a fine imposed on a family day care home or day care center, as defined in section nine of this chapter, exceed a maximum fine of two hundred and fifty dollars.

**SECTION 2.** Section 13 of said chapter 28A, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– Subject to the requirements of chapter thirty A of the General Laws, the office may suspend, revoke, make probationary, refuse to issue or renew the license of any person, assess a civil fine within the limits prescribed by section ten of this chapter, or impose any other sanctions it deems appropriate, in accordance with rules and regulations promulgated by the office.

**SECTION 3.** Said section 13 of said chapter 28A, as so appearing, is hereby further amended by adding the following paragraph:–

The office for children shall submit an annual report to the joint committee on human services and elderly affairs, which shall include rules and regulations promulgated by the office for children relative to the use of civil fines and sanctions, the types of sanctions, and the level of such fines; provided, however, that such fines shall be within the limits prescribed by section ten.

Approved December 24, 1987.

---

**Chapter 611. AN ACT REQUIRING THE COMMONWEALTH TO PAY INTEREST ON CERTAIN UNPAID BILLS.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 7 of the General Laws is hereby amended by inserting after section 14A, as appearing in the 1986 Official Edition, the following section:–

Section 14B. The comptroller shall adopt rules and regulations, subject to the approval of the commissioner of administration, providing for the payment by the commonwealth of late penalty interest in accordance with the provisions of section twenty-nine B of chapter twenty-nine.

**SECTION 2.** Chapter 29 of the General Laws is hereby amended by inserting after section 20B, as so appearing, the following section:–

Section 20C. Any commercial vendor to whom any state agency of the commonwealth is liable for late penalty interest under the provisions of section twenty-nine B shall, prior to payment of said interest, submit to said state agency an invoice for said interest in accordance with applicable rules and regulations of the comptroller.

**SECTION 3.** Said chapter 29 is hereby further amended by inserting after section 29B, as so appearing, the following section:–

Section 29C. Except as otherwise provided for by law, the general court or any agency of the executive or judicial branches of the government which acquires property or services from a commercial vendor, including both profit and not for profit corporations, excluding state employees, recipients of public assistance, cities and towns and other municipal forms of government, but which does not make full payment by the required payment date for each such complete and appropriate item of property or service delivered in accordance with an applicable purchase order contract, shall be liable for late penalty interest to said commercial vendor on the amount which is due in accordance with the following provisions:-

(a) that the required payment date shall be the date on which payment is due under the terms of the contract for the provision of said property or services; or, if a specific date on which payment is due is not established by contract, not more than forty-five days after receipt of a properly authorized, approved and submitted invoice for the amount of payment due, unless the usual and customary time for payment is longer;

(b) that the late penalty interest provided for under this section shall be computed at a rate to be set semi-annually by the commissioner of administration on January first and July first of each year; provided, however, that said rate shall be equal to the discount rate charged on said dates by the Federal Reserve Bank of Boston;

(c) that the provisions of this section shall apply to any late penalty interest which may be due in accordance with the provisions of this section;

(d) that the provisions of this section shall not apply to the delivery of any property or services made at the beginning of any fiscal year unless a general appropriation act is in effect for said fiscal year. Upon the passage of a general appropriation act, a required payment date may be set or the forty-five day period as provided in paragraph (a) may be commenced;

(e) that, within fifteen days after the date on which any invoice is received, state agencies notify any such commercial vendors of any defect or impropriety in such invoice which would prevent the running of the time period.

Any state agency required to pay interest under the provisions of this section shall pay any amount required out of funds appropriated for the administration or operation of the program for which the interest was incurred.

The commissioner of administration shall, not more than sixty days after the conclusion of each fiscal year, file with the house and senate committees on ways and means a summary report on any interest penalties made under this section during the preceding fiscal year. Such report shall include the number, amounts, frequency of interest penalty payments, and reasons such interest payments were made, summarized by state agency and secretariat, where applicable.

A copy of rules and regulations promulgated pursuant to this section, or any amendment or repeal of any such rules and regulations, shall be

---

**ACTS, 1987. - Chaps. 612, 613.**

filed with the house and senate committees on ways and means at least thirty days prior to implementation.

**SECTION 4.** The provisions of this act shall apply to property and services delivered after the effective date of this act.

Approved December 24, 1987.

---

**Chapter 612. AN ACT REGULATING THE NUMBER OF SUBSIDIZED UNITS IN CERTAIN RESIDENTIAL PROPERTY.**

Be it enacted, etc., as follows:

The fourth paragraph of section 43 of chapter 121B of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "development", in line 65, the words:- ; provided, further, that there shall be no limits in any building or development containing less than one hundred units where the department determines that such units are necessary to provide affordable housing for persons and families of low income.

Approved December 24, 1987.

EMERGENCY LETTER: December 29, 1987 @ 3:11 P.M.

---

**Chapter 613. AN ACT REORGANIZING THE BOSTON SCHOOL DEPARTMENT.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 231 of the acts of 1906, as most recently amended by section 1 of chapter 701 of the acts of 1986, is hereby further amended by striking out sections 1, 1A and 2 and inserting in place thereof the following sections:-

Section 1. (a) The school committee of the city of Boston shall, by majority vote of the whole number of its members, elect and contract with a superintendent of schools for any period of time not to exceed six years. The school committee exclusively shall fix the compensation of such superintendent, which sum shall be in full for all services rendered to said city. The school committee may remove the superintendent for just cause by a vote of three-fifths of the whole number of its members after proper notice and public hearing. The superintendent shall upon taking employment become, and during such employment remain, a resident of said city as the term resident may be defined by ordinance. Failure to maintain such residence shall be deemed a voluntary termination of employment.

(b) The superintendent of schools shall be the executive officer of the

school committee in all matters pertaining to the powers and duties of the school committee. The school committee shall take no action on any particular matter without first receiving the superintendent's recommendation thereon. The superintendent shall give his recommendation before or during the regularly scheduled meeting of the school committee next following the meeting at which the particular matter is raised and at which the superintendent is asked to prepare a recommendation thereon; provided, however, that the superintendent in his sole discretion may elect to present any such recommendation at the school committee meeting at which the particular matter is raised or thereafter but prior to the next regularly scheduled school committee meeting. Any such recommendation of the superintendent shall include the superintendent's estimate of the cost or savings involved, if any, and if the superintendent estimates that there are costs involved, the recommendation shall identify available budgeted funding sources or new funding sources. If the superintendent fails to make a recommendation on a particular matter when raised at such next regularly scheduled school committee meeting, the school committee may take action thereon without receiving the superintendent's recommendation.

(c) The superintendent of schools shall at the beginning of the term for which he was appointed, submit to the school committee a management plan for all administrators and community and deputy superintendents serving at the discretion of said superintendent. The school committee of said city, in the year nineteen hundred and eighty-nine and every sixth year thereafter or in the year when a superintendent is appointed shall vote by a two-thirds majority to accept or reject the management plan submitted by the superintendent of schools. The school committee shall accept a management plan of the superintendent on or before September first in the year that the superintendent is appointed to term.

Section 1A. (a) For the purposes of this section, all individuals engaged to render services and paid pursuant to the school department's budget shall be deemed to be school department employees and their positions shall be deemed to be school department positions.

(b) The superintendent of schools shall have the exclusive authority to make appointments and promotions for all school department positions except for the positions of community superintendent, an election or appointment of a chairman, secretary or treasurer of the school committee, of school committee administrative assistants appointed pursuant to chapter four hundred and sixty-five of the acts of nineteen hundred and sixty-four, and of special assistant corporation counsels. Prior to making an appointment or promotion to the position of community superintendent, the superintendent of schools shall present his recommendation thereon to the school committee at a regularly scheduled meeting. Any such appointment or promotion shall be deemed approved by the school committee on the sixth business day following the presentation of said superintendent's recommendation, unless a majority of the whole number of the school committee's members file with the

secretary of the school committee a written objection to the intended appointment or promotion within five business days following the presentation of said superintendent's recommendation; in which case, the appointment or promotion shall be approved only upon majority vote of the whole number of the members of the school committee.

(c) Any general or special law to the contrary notwithstanding, a vote of the school committee shall not be required for the appointment or promotion of any school department employee except as provided in section one A.

(d) Except as may be required by any collective bargaining agreement or by the provisions of chapter thirty-one and chapter one hundred and fifty E of the General Laws, and, subject to appropriation, the superintendent of schools shall have the exclusive authority to fix the compensation of all school department employees with the exception of school committee members; provided, however, that the school committee shall fix the compensation of the superintendent as provided in section one and shall fix the compensation of school committee administrative assistants appointed pursuant to chapter four hundred and sixty-five of the acts of nineteen hundred and sixty-four.

(e) The superintendent of schools shall have the exclusive authority to assign, reassign, suspend, lay-off, demote, remove and dismiss any school department employees except school committee members and administrative assistants appointed pursuant to chapter four hundred and sixty-five of the acts of nineteen hundred and sixty-four. Any general or special law to the contrary notwithstanding, the actions of the superintendent of schools pursuant to this subsection shall be deemed to be the actions of the school committee under the General Laws. In exercising his authority under this subsection, the superintendent shall have the authority and powers, and be subject to the limitations, otherwise applicable to the school committee, including but not limited to the terms of any collective bargaining agreement imposed by chapter one hundred and fifty E of the General Laws. In the case of actions taken pursuant to this subsection as to which notice or hearing, or both, would otherwise be afforded to the subject school department employee by the school committee, such notice or hearing, or both, shall be afforded instead by the superintendent of schools or his designee. In the event that said superintendent delegates to a designee the conduct of a hearing for an affected school department employee, said superintendent shall base his decision upon the evidence presented at such hearing. This section shall not affect the rights of teachers under sections forty-two, forty-three A and forty-three B of chapter seventy-one of the General Laws.

(f) The superintendent of schools shall have the authority to supervise and direct school department employees except school committee members and administrative assistants appointed pursuant to chapter four hundred and sixty-five of the acts of nineteen hundred and sixty-four, and special assistant corporation counsels to the extent that their legal work is directed and supervised by the corporation counsel of the city of Boston.



(g) Except as specifically provided herein, nothing in this section shall be construed or interpreted so as to limit in any way the existing employment rights of school employees, including rights of tenure and seniority as provided by chapter seventy-one and chapter thirty-one of the General Laws as well as those employment rights provided under applicable collective bargaining agreements and chapter one hundred and fifty E of the General Laws.

Section 1B. (a) The school committee may delegate, in whole or in part, to the superintendent of schools the authority to approve for the school department the acceptance and expenditure of grants or gifts of funds from the federal government, charitable foundations, private corporations, individuals, or from the commonwealth, its counties, municipalities or an agency thereof, the provisions of section fifty-three A of chapter forty-four of the General Laws notwithstanding.

(b) The superintendent of schools shall provide to the school committee, the city auditor and the city office of budget and program evaluation of the city of Boston a report, detailing the source, purpose and balance on hand of all funds received or expended pursuant to subsection (a), quarterly.

Section 1D. The superintendent of schools shall submit to the school committee for approval an annual budget of the school department for the forthcoming fiscal year no later than the first Wednesday in February prior to the beginning of such fiscal year. The school committee may adopt, reject, reduce or increase any item in the recommended budget; provided, however, that if the school committee fails to take definite action on the annual budget on or before the fourth Wednesday in March of each year, the annual budget as recommended by the superintendent shall be deemed approved as if formally approved by the school committee. After approval of an annual budget by the school committee, said superintendent shall submit said approved budget to the mayor who may approve or reduce the total recommended budget. Thereafter, not later than the second Wednesday in May of each year, the mayor shall submit said annual budget to the city council for an appropriation of funds. Said superintendent shall not approve the appointment of any person except to a budgeted position.

Section 1E. For the purposes of section sixteen of chapter four hundred and eighty-six of the acts of nineteen hundred and nine, members of the school committee and the superintendent of schools shall be deemed to be the officials responsible for the expenditures of the school department, the provisions of section eighteen of chapter one hundred and ninety of the acts of nineteen hundred and eighty-two to the contrary notwithstanding.

Section 2. (a) Subject to appropriations therefor, the superintendent of schools shall have the exclusive authority to make on behalf of the school committee contracts, or amendments to contracts, for the purchase or rental of equipment, materials, goods or supplies, leases of property, alterations and repairs of school property, and for professional or other services, with the exception of collective bargaining agreements and contracts for the transportation of students. All school department

contracts or amendments to contracts shall otherwise conform to the requirements of the city charter of the city of Boston.

(b) With respect to all contracts, agreements or amendments thereto made or entered into by the school department, the superintendent shall be responsible for establishing procedures for auditing and monitoring the compliance of the parties with the terms and obligations of such contracts, agreements or amendments thereto.

**SECTION 2.** Chapter 224 of the acts of 1936 is hereby amended by striking out section 2, as most recently amended by section 5 of chapter 701 of the acts of 1986, and inserting in place thereof the following section:-

**Section 2.** (a) The city of Boston shall annually provide an amount of money sufficient for the support of the public schools as required by law; provided, however, that said city shall not be required to provide more money for the support of the public schools than is appropriated in accordance with the provisions of chapter four hundred and eighty-six of the acts of nineteen hundred and nine, as amended. In acting on appropriations for educational costs, the city council shall vote on the total amount of the appropriations requested by the mayor, but neither the mayor nor the city council shall allocate appropriations among accounts or place any restriction on such appropriations. The appropriation of said city shall establish the total appropriation for the support of the public schools, but may not limit the authority of the school committee to determine expenditures within the total appropriation; provided, however, that if the city auditor determines that school department expenditures in any fiscal year are projected to be in excess of total budgeted expenditures for that fiscal year, as supported by appropriation and other available funding, then the school committee shall not reallocate or transfer funds from any item in the budget for that fiscal year to fund any such projected additional expenditures.

(b) After the fourth Wednesday of March of any fiscal year, the school committee shall not initiate or authorize any new or additional programs or categories of expenditures requiring additional unbudgeted expenditures unless such programs or categories have been incorporated and fully funded in the budget for the subsequent fiscal year. If such programs or categories have not been incorporated or fully funded in the budget for the subsequent fiscal year, they shall not be initiated or authorized until the school committee shall have amended its budget submission for the subsequent fiscal year to reduce or eliminate other costs, programs or categories in amounts equal to the projected annualized costs of the new or additional programs or categories of expenditures.

(c) The superintendent of schools shall prepare and submit to the school committee, the city auditor and the city office of budget and program evaluation, a monthly budget update report which shall detail and itemize year-to-date and projected school department expenditures and budget transfers.

(d) The superintendent may, after the fourth Wednesday in March, but prior to the annual appropriation, enter into contracts with the publishers or suppliers of instructional materials and books for the timely purchase and delivery of the same to be used in the schools of the school department of the city of Boston for the school year commencing during the fiscal year for which a recommended appropriation has been submitted but not yet approved; provided, however, that such contracts for the supply and delivery of said instructional materials and books shall be charged to the appropriation of the next fiscal year, and provided further that the total amount of funds obligated for such instructional materials and books ordered prior to the annual appropriation shall be limited to the amount appropriated for such expenditures in the then current annual budget and shall not exceed that amount. Pending the final annual appropriation for the school department, the city auditor may approve such contracts for the purchase and delivery of instructional materials and books, provided, however, that such contracts shall in all other respects conform to the requirements of the city charter of said city.

**SECTION 3.** Nothing in this act shall be deemed to affect the term of office of the superintendent of schools in office upon its effective date, nor abrogate or alter any collective bargaining agreement or other contract in force and effect on such effective date.

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

Approved December 29, 1987.

---

**Chapter 614. AN ACT FURTHER REGULATING THE JOINT UNDERWRITING ASSOCIATION FOR LIQUOR LIABILITY.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 5 of chapter 223 of the acts of 1985 is hereby amended by adding the following sentence:– The Joint Underwriting Association may recommend to the commissioner that a system of premium surcharges and credits based upon claim frequency and loss experience be established.

**SECTION 2.** Section 8 of said chapter 223 is hereby amended by striking out, in line 1, the word "thirteen" and inserting in place thereof the word:– fifteen.

**SECTION 3.** Said section 8 of said chapter 223 is hereby further amended by striking out, in line 5, the word "Four" and inserting in place thereof the word:– Six.

---

**ACTS, 1987. - Chaps. 615, 616.**

**SECTION 4.** Said chapter 223 is hereby further amended by striking out section 13 and inserting in place thereof the following section:-

**Section 13.** Sections one to twelve, inclusive, of this act shall expire on December thirty-first, nineteen hundred and eighty-nine.

Approved December 29, 1987.

EMERGENCY LETTER: December 30, 1987 @ 2:30 P.M.

---

**Chapter 615. AN ACT RELATIVE TO THE JURISDICTION OF THE DISTRICT COURT OF EASTERN HAMPSHIRE.**

Be it enacted, etc., as follows:

Section 1 of chapter 218 of the General Laws is hereby amended by striking out the second paragraph under the caption "Hampshire", as appearing in the 1986 Official Edition, and inserting in place thereof the following paragraph:-

The district court of eastern Hampshire, held at Ware; Ware and Belchertown and any violation of law committed on land of the metropolitan district commission comprising the Quabbin reservation or used for the supply or protection of the Quabbin reservoir.

Approved December 29, 1987.

---

**Chapter 616. AN ACT PROVIDING FOR THE LICENSING OF FIRE SPRINKLER SYSTEM CONTRACTORS AND SPRINKLER FITTERS.**

Be it enacted, etc., as follows:

**SECTION 1.** The first paragraph of section 10A of chapter 22 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the first three sentences and inserting in place thereof the following three sentences:- There shall be in the department of public safety a bureau to be known as the bureau of pipefitters, refrigeration technicians and sprinkler fitters. The bureau shall consist of eleven members, one of whom shall be the commissioner of public safety or his designee; and ten of whom shall be appointed by the governor, one of whom shall be a representative of the public, one of whom shall be a member of Air Conditioning and Refrigeration Contractors of Boston, who has been in business not less than ten years as a refrigeration contractor, one of whom shall be a refrigeration technician with a minimum of ten years experience, one of whom shall be a member of the New England Mechanical Contractors Association, Inc., one of whom shall be a member of the Massachusetts Building and Construction Trades Council, one of whom shall be a pipefitter with a minimum of ten years experience, one of whom shall be a fire protection

sprinkler system contractor who has been in business not less than ten years as such contractor, one of whom shall be a sprinkler fitter with a minimum of ten years experience, one of whom shall be a mechanical engineer, and one of whom shall represent a user. Said members shall be designated in groups of two in their initial appointments to serve for one, two, three, and four years, respectively.

**SECTION 2.** Chapter 146 of the General Laws is hereby amended by striking out section 81, as so appearing, and inserting in place thereof the following section:–

Section 81. As used in this section and in sections eighty-two to eighty-eight, inclusive, the following words shall have the following meanings:

"Apprentice pipefitter", a person who is registered and is learning or working at the business of pipefitting under the direct supervision of a master or journeyman pipefitter.

"Apprentice sprinkler fitter", any person other than a fire sprinkler contractor or a sprinkler fitter who is presently engaged in both learning and assisting in the work being performed on any sprinkler system, and who must be employed by a licensed fire sprinkler contractor.

"Bureau", the bureau of pipefitters, refrigeration technicians, and sprinkler fitters, established by section ten A of chapter twenty-two.

"Fire protection sprinkler system", a fire sprinkler system, for fire protection purposes, the work of the sprinkler fitter and apprentice shall consist of the installation of all fire protection and fire control systems, including both overhead and underground water mains, fire hydrants and hydrant mains, standpipes and hose connections to sprinkler systems, sprinkler tank heaters, air lines and thermal systems, hot water fire protection systems and standpipes connected to sprinkler systems.

"Fire protection sprinkler system contractor", a person, firm, or organization that offers to undertake the execution of contracts, the preparation of technical drawings, sale, installation, alteration, modification, inspection, maintenance, removal and repairing of any such system or any part of such system.

"Journeyman pipefitter", any person who has completed an apprenticeship training program satisfactory to the bureau and who by himself or with other journeymen pipefitters or apprentice pipefitters performs any work in pipefitting subject to inspection under any law, ordinance, by-law, rule or regulation but does not employ other journeymen or master pipefitters.

"Journeyman refrigeration technician", any person who has completed an apprenticeship training program satisfactory to the bureau, and who has successfully passed a refrigeration technician's examination, and who, by himself, or with other journeymen refrigeration technicians, or with refrigeration apprentices does any work in refrigeration subject to the provisions of this chapter.

"Master pipefitter", a person having a regular place of business or who, by himself, or with other master pipefitters, journeymen pipefitters, or apprentice pipefitters, in his employ performs pipefitting work.

"Master refrigeration technician", a person having a regular place of business, or who by himself or with other master refrigeration technicians, journeymen refrigeration technicians, or refrigeration apprentices in his employ performs refrigeration work.

"Pipefitting", the installation, repair, replacement, maintenance, or alteration of any apparatus for piping appliances, devices or accessories for heating systems having a rating greater than three million British Thermal Units including apparatus and piping for the general use of conveyance of steam and associated pumping equipment but excluding sheet metal work, air conditioning and refrigeration systems and boilers, and plumbing as defined under the rules and regulations of the board of state examiners of plumbers promulgated under sections four and thirteen of chapter one hundred and forty-two.

"Refrigeration", the installation, repair, replacement, maintenance of any refrigerant containing part of any refrigerant system of a ten ton capacity, or greater.

"Refrigeration apprentice", any registered person who is at least eighteen years of age and who is working at the business of refrigeration under the supervision of a master refrigeration technician or journeyman refrigeration technician.

"Registered", a person registered according to the provisions of chapter seven hundred and seven of the acts of nineteen hundred and forty-one.

"Sprinkler fitter/journeyman sprinkler fitter", any person who has completed an apprenticeship training program satisfactory to this bureau and who, by himself or with other sprinkler fitters, performs any work in sprinkler fitting subject to inspection under any law, ordinance, by-law, rule or regulation, but does not employ other sprinkler fitters.

"Ton", for the purpose of this chapter one ton of refrigeration shall be defined in conformance to section 1 subparagraph 6 of the Board of Boiler Rules, Form BLR 7, dated November twenty-two, nineteen hundred and sixty-three.

**SECTION 3.** Said chapter 146 is hereby further amended by striking out section 82, as so appearing, and inserting in place thereof the following section:-

Section 82. The bureau shall promulgate rules and regulations for the examining and licensing of fire sprinkler contractors, pipefitters, refrigeration technicians and sprinkler fitters.

**SECTION 4.** The first paragraph of section 83 of said chapter 146, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The district engineering inspectors of the division shall act as examiners of applicants for fire sprinkler system contractor, pipefitter, refrigeration and sprinkler fitter licenses.

**SECTION 5.** Said section 83 of said chapter 146, as so appearing, is hereby further amended by adding the following paragraph:-

---

**ACTS, 1987. – Chap. 616.**

For the examination of fire protection sprinkler system contractors and sprinkler fitters, the division shall use the rules and regulations of national codes as may be necessary to effectuate the licensing provisions of this chapter.

**SECTION 6.** Said chapter 146 is hereby further amended by striking out section 84, as so appearing, and inserting in place thereof the following section:-

Section 84. No person shall engage in the business of a master pipefitter, or work as a journeyman or apprentice pipefitter or work as a refrigeration technician or work as a fire protection sprinkler system contractor or as a sprinkler fitter unless he is lawfully licensed under the provisions of section eighty-five.

**SECTION 7.** Section 85 of said chapter 146, as so appearing, is hereby amended by striking out, in lines 6 and 7, the words "contractor or refrigeration technician" and inserting in place thereof the words:- contractor, fire protection sprinkler system contractor, refrigeration technician or sprinkler fitter.

**SECTION 8.** Said chapter 146 is hereby further amended by inserting after section 85 the following section:-

Section 85A. Every apprentice sprinkler fitter shall before starting his apprenticeship file an application, accompanied by the appropriate fee, with the division of inspection of the department of public safety, requesting that he be issued an apprentice license. Said application shall be made on a form to be furnished by said division, and shall require the applicant to state his age, the date on which he is to commence his apprenticeship, the name and address of his employer, and such other information as said division may require. Upon receipt thereof said division shall forthwith mail to him a certificate to that effect. A person may be employed as an apprentice sprinkler fitter by a fire protection sprinkler contractor only. Such apprentices shall work under the direct supervision of a fire protection sprinkler contractor or journeyman sprinkler fitter. A fire protection sprinkler contractor may employ one or more apprentices but not more than one apprentice may be so employed for each journeyman sprinkler fitter.

**SECTION 9.** Any person, firm, or corporation who shall submit satisfactory proof to the bureau of pipefitters, refrigeration technicians, and sprinkler fitters that they have been actively engaged in the fire sprinkler system industry as a fire sprinkler contractor for a period of four years; or a sprinkler fitter who has been actively engaged in the sprinkler system industry for a period of three years prior to the effective date of this act who have applied for a license within one year of the effective date of this act shall not be required to pass any written, oral, or practical examination, but shall be issued a license upon payment of the proper fee; provided, however, that for purposes of this section completion of an apprentice training program by said contractor

---

**ACTS, 1987. – Chaps. 617, 618.**

or sprinkler fitter shall not be required. Any proof as submitted shall be accompanied by a statement that the information shall be provided under the pains and penalties of perjury.

Approved December 29, 1987.

---

**Chapter 617. AN ACT RELATIVE TO THE NINETEEN HUNDRED AND EIGHTY-EIGHT STATE PRIMARY.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of section twenty-eight of chapter fifty-three of the General Laws or any other general or special law to the contrary, the state primary for the calendar year nineteen hundred and eighty-eight shall be held on Thursday, September fifteenth.

**SECTION 2.** For purposes of determining the day and time for performing any act prescribed by any general or special law applicable to said state primary, said state primary shall be deemed to be held on the day provided in section one.

Approved December 29, 1987.

---

**Chapter 618. AN ACT REQUIRING TESTING OF PUBLIC DRINKING WATER SUPPLIES FOR TOXIC SUBSTANCES.**

Be it enacted, etc., as follows:

**SECTION 1.** The department of environmental quality engineering, hereinafter referred to as the department, shall test public drinking water supply sources in the commonwealth for the presence of toxic substances, determine the extent of contamination and the need for additional testing or requirements for monitoring of such water supplies; provided, however, that the department shall not duplicate testing which any city, town, district or authority is required to conduct by the federal Safe Drinking Water Act, 42 USC 300f et seq. Testing shall be so conducted as to permit the department to develop a statistically valid profile of the extent of contamination of different types of such water supplies statewide and by geographic region and to determine whether consumers are being protected from lead and copper contamination present in such water supplies, their distribution systems or in the connection systems of such consumers.

**SECTION 2.** By July first, nineteen hundred and eighty-eight, the department shall publish a list of toxic substances to be tested at each



public drinking water supply source. In developing the list, the department shall:

(a) consider including substances listed as priority pollutants by the federal Environmental Protection Agency or listed in the following: Advance Notices of Proposed Rulemaking, Volume 47, Federal Register, page 9352, and Volume 48, Federal Register, page 45502; Proposed Rulemakings, Volume 50, Federal Register, pages 46929, 46930 and 47022; Final Rule, Volume 50, Federal Register, page 46901; Final Rule, Volume 52, Federal Register, pages 25712 to 25717, inclusive, and pages 25720 to 25734, inclusive;

(b) consult with public water supply purveyors, appropriate experts and members of the public having a knowledge of water supply issues, and provide the public with opportunities to comment on the proposed list;

(c) identify for each toxic substance, or group of toxic substances, the types of public drinking water supplies and regions of the commonwealth to be tested; and

(d) identify the toxic substances to be tested at each public drinking water supply source.

The department may decide not to test particular public drinking water supplies, or groups thereof, for particular toxic substances if it determines that there is no valid reason to believe that such substances may be present therein; provided, however, that the department shall identify all public drinking water supplies and toxic substances for which such determinations are made in its report of test results pursuant to section four.

**SECTION 3.** Testing shall be conducted in two phases as follows:

(a) Phase I. By January first, nineteen hundred and eighty-nine, the department shall test all community public water supplies in the commonwealth which serve one hundred and fifty or more persons for the presence of listed substances.

(b) Phase II. By January first, nineteen hundred and ninety, the department shall test all community public water supplies which serve twenty-five to one hundred and forty-nine persons, inclusive, and a representative sampling of all non-community public water supplies in the commonwealth for the presence of listed substances.

**SECTION 4.** The department shall publish a report of test results including an analysis of the extent to which various types of public drinking water supplies in various regions of the commonwealth are contaminated by toxic substances. The report on Phase I testing shall be published by April first, nineteen hundred and eighty-nine. The report on Phase II testing shall be published by April first, nineteen hundred and ninety.

**SECTION 5.** For each community in which public water supplies are tested, the department shall:

(a) provide education and training for public water supply purveyors.

---

**ACTS, 1987. – Chap. 619.**

community officials and the public in water quality standards, methods of analysis and sampling, health advisories, requirements and impact of the nineteen hundred and eighty-six amendments to the federal Safe Drinking Water Act, and long-range water supply protection and planning;

(b) report test results promptly following testing to water purveyors, community officials and the public;

(c) provide community officials and the public an explanation of possible health consequences, risk assessment methods and possible methods for correcting any problems detected during testing;

(d) provide education for community officials and the public as to options for water supply planning and land use planning necessary to provide current and long-term protection for community water supplies.

Education and training required by this act shall be provided in coordination with a university research facility selected by the department. Such facility shall be located within the commonwealth and have demonstrated experience in environmental and public health, land use and regional planning, and hydrology.

**SECTION 6.** For purposes of this act, "community officials" shall mean 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; and the board of health, board of water commissioners and superintendent of the water department, or officers performing like duties, in any city or town.

Approved December 29, 1987.

---

**Chapter 619. AN ACT ESTABLISHING THE OFFICE OF COLLECTOR AND TREASURER FOR THE TOWN OF ROCKPORT AS AN APPOINTIVE OFFICE.**

Be it enacted, etc., as follows:

**SECTION 1.** The first paragraph of section 2 of chapter 242 of the acts of 1959 is hereby amended by striking out clauses (e) to (g), inclusive, and inserting in place thereof the following two clauses:-

(e) A planning board.

(f) A board of assessors.

**SECTION 2.** Subsection (b) of section 3 of said chapter 242, as amended by section 1 of chapter 134 of the acts of 1963, is hereby further amended by inserting after the word "appeals", in line 1, the words:- , a collector and treasurer.

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

Approved December 29, 1987.

**Chapter 620. AN ACT VALIDATING THE AUTHORIZATION OF CERTAIN BONDS BY THE LEINO PARK WATER DISTRICT.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of section ten of chapter forty-four of the General Laws and section four of chapter three hundred and ninety-eight of the acts of nineteen hundred and eighty-five, the proceedings taken by the Leino Park water district on January twenty-eighth and April twenty-seventh, nineteen hundred and eighty-seven by which vote was authorized the borrowing of three hundred and sixty-three thousand dollars for the construction and installation of a water supply system within said district are hereby ratified, validated and confirmed and said bonds may be issued.

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

Approved December 29, 1987.

---

**Chapter 621. AN ACT PROVIDING FOR COMMON ENROLLMENT DATES FOR SUPPLEMENTAL MEDICARE HEALTH PLANS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 1A of chapter 176A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following two paragraphs:-

All nonprofit hospital service corporations governed by this chapter which offer supplemental coverage to medicare, shall provide open enrollment for nongroup subscribers to medicare supplemental coverage, commencing on February first and ending March thirty-first of each year, for coverage to be effective June first of that year; provided, however, that nothing contained herein shall preclude additional periods of open enrollment for subscribers to medicare supplemental coverage.

Any such corporation shall make available each type of medicare supplemental coverage allowed by the commissioner of insurance to any resident of the commonwealth whose coverage under a medicare program offered by a health maintenance organization licensed under chapter one hundred and seventy-six G has been cancelled because the health maintenance organization's contract with medicare has been terminated. Such coverage shall be offered without any waiting periods or exclusions for pre-existing conditions and shall become effective on the date that coverage is cancelled.

**SECTION 2.** Section 10 of said chapter 176A, as so appearing, is

hereby amended by inserting after the first paragraph the following paragraph:-

The open enrollment period and coverage effective date for any group hospital service plan contract providing supplemental coverage to medicare shall be the same as the open enrollment period of all other group health plan options offered by the employer, representative or group sponsor to the group's members who are eligible for medicare supplemental coverage.

**SECTION 3.** Section 4 of chapter 176B of the General Laws, as so appearing, is hereby amended by inserting after the third paragraph the following two paragraphs:-

All medical service corporations governed by this chapter which offer supplemental coverage to medicare shall provide open enrollment for nongroup subscribers to medicare supplemental coverage, commencing on February first and ending March thirty-first of each year, for coverage to be effective June first of that year; provided, however, that nothing contained herein shall preclude additional periods of open enrollment for subscribers to medicare supplemental coverage.

Any such corporation shall make available each type of medicare supplemental coverage allowed by the commissioner of insurance to any resident of the commonwealth whose coverage under a medicare program offered by a health maintenance organization licensed under chapter one hundred and seventy-six G has been cancelled because the health maintenance organization's contract with medicare has been terminated. Such coverage shall be offered without any waiting periods or exclusions for pre-existing conditions and shall become effective on the date that the coverage is cancelled.

**SECTION 4.** Said section 4 of said chapter 176B, as so appearing, is hereby further amended by inserting after the fifth paragraph the following paragraph:-

The open enrollment period and coverage effective date for any group medical service plan contract providing supplemental coverage to medicare shall be the same as the open enrollment period of all other group health plan options offered by the employer, representative or group sponsor to the group's members who are eligible for medicare supplemental coverage.

**SECTION 5.** Chapter 176G of the General Laws is hereby amended by inserting after section 17 the following section:-

Section 17A. All health maintenance organizations governed by this chapter which enroll medicare beneficiaries shall provide open enrollment for nongroup medicare beneficiaries commencing on February first and ending March thirty-first of each year, for coverage to be effective not later than ninety days from the date of enrollment; provided, however, that nothing contained herein shall preclude additional periods of open enrollment for medicare beneficiaries.

The open enrollment period and coverage effective date for any group

health maintenance organization contract covering medicare beneficiaries shall be the same as the open enrollment period of all other group health plan options offered by the employer, representative or group sponsor to the group's members who are eligible for medicare supplemental coverage.

Any such health maintenance organization whose contract with medicare is being terminated shall give each resident of the commonwealth who is covered under a medicare program offered by such health maintenance organization and each nonprofit hospital service corporation and medical service corporation in the commonwealth sixty days notice prior to such termination. Any such health maintenance organization shall cooperate fully in the prompt transfer of coverage to any organization which will assume such coverage.

Approved December 29, 1987.

---

**Chapter 622. AN ACT AUTHORIZING AND DIRECTING THE REIN-  
STATEMENT OF JAMES L. KERR AS A MEMBER IN  
SERVICE IN THE TEACHERS' RETIREMENT SYSTEM.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the reinstatement as a member in service in the Massachusetts Teachers' Retirement System of James L. Kerr, 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 or rule or regulation to the contrary, James L. Kerr shall be eligible to be reinstated as a member in service of the teachers' retirement system upon his employment, on a date on or after the effective date of this act but prior to the date of his sixty-fifth birthday, as a teacher, as defined in section one of chapter thirty-two of the General Laws; provided, however, that he shall repay to the teachers' retirement system an amount equal to the accumulated total deductions withdrawn by him from the system, together with regular interest thereon, and a further amount equal to the total amount of any retirement allowance received from the date of his retirement to the date of such employment, together with regular interest thereon, such repayment to be made in one sum or in installments as the teachers' retirement board shall prescribe. Upon the completion of such repayment, said James L. Kerr shall be entitled to creditable service for all periods of service for which deductions were made from his regular compensation. In the event said James L. Kerr shall again retire before the completion of make-up payments, he shall, in addition to credit for his actual membership service rendered since the date of his reinstatement hereunder, be entitled to credit for that proportion of his previous creditable service

---

**ACTS, 1987. - Chaps. 623, 624.**

which the total of his make-up payments actually made, together with regular interest thereon to the date such retirement becomes effective, bears to the total amount of what his make-up payments, together with regular interest thereon to such latter date, would have been had he made payment thereof in one sum on such latter date. Any pensions allowance, or other retirement benefit provided hereunder shall be exclusive of and in the alternative to any other pension, allowance, or other retirement benefit, including any provided for under any other general or special law.

Approved December 30, 1987.

---

**Chapter 623. AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO SELL AND TO CONVEY A CERTAIN PARCEL OF OPEN SPACE LAND TO STEVEN HADDAD & CO., INC.**

Be it enacted, etc., as follows:

**SECTION 1.** The city of Springfield is hereby authorized to sell and convey to Steven Haddad & Co., Inc., a corporation duly established under the laws of the commonwealth, a certain parcel of open space land, known as Parcel LT-1, in said city bounded and described as follows:

A parcel of land adjoining the northwesterly street line of Worthington Street, the northeasterly location line of the fourth section of the city layout, laid out in connection with State highway layout No. 5520 and the southeasterly street line of Fort street and bounded: Southeasterly by said Worthington Street about 17 feet; Southwesterly by said fourth section of city layout 81.73 feet; Northwesterly by said Fort Street about 47 feet; and Northeasterly by land now or formerly of Lillian Goldberg 76.47 feet; Containing about two thousand four hundred and twenty-six square feet more or less.

**SECTION 2.** Said sale and conveyance shall be subject to the following provisions:

Said parcel to be combined with the adjacent parcel already owned by Steven Haddad & Co., Inc., for the construction of a twenty-eight story office/condominium structure with retail space on the first and second floors.

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

Approved December 30, 1987.

---

**Chapter 624. AN ACT MAKING APPROPRIATIONS TO FUND CERTAIN COLLECTIVE BARGAINING COSTS.**

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 agreements between the board of regents of higher education and the American Federation of Teachers, Local 1895, Educational Services Unit at Southeastern Massachusetts University, and between the regents and the University of Massachusetts, Boston Patrolmen's Association, 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 one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven.

**SECTION 2.**

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.**  
Collective Bargaining.

**Item**

1599-3639 For a reserve to meet the cost of salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the board of regents of higher education and the American Federation of Teachers, Local 1895, Educational Services Unit at Southeastern Massachusetts University; provided, however, 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-eight such amounts as are necessary to meet the cost of said adjustments and benefits for the fiscal years nineteen hundred and eighty-seven and nineteen hundred and eighty-eight 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

---

ACTS, 1987. - Chap. 624.

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 as authorized herein without prior notification of the house and senate committees on ways and means \$420,157

1599-3640 For a reserve to meet the cost of salary adjustments and other employee benefits authorized by the collective bargaining agreement between the board of regents of higher education and the University of Massachusetts, Boston Patrolmen's Association; provided, however, 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-eight such amounts as are necessary to meet the cost of said adjustments and benefits for the fiscal years nineteen hundred and eighty-seven and nineteen hundred and eighty-eight 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 as authorized herein without prior notification of the house and senate committees on ways and means \$149,530

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

Approved December 30, 1987.



**Chapter 625. AN ACT DIRECTING THE TOWN OF CLINTON TO  
CONVEY CERTAIN PARCELS OF LAND IN SAID TOWN.**

Be it enacted, etc., as follows:

**SECTION 1.** The town of Clinton, acting by and through its board of selectmen, is hereby authorized and directed to convey to the Massachusetts Water Resources Authority certain parcels of land located in said town.

Said parcels are shown on a plan of land, entitled "Lands In Clinton To Be Conveyed To The Commonwealth Of Massachusetts For Sludge Land Fill Site", said plan dated July, 1984 which is on file in the offices of the Massachusetts Water Resources Authority.

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

Approved December 30, 1987.

---

**Chapter 626. AN ACT AUTHORIZING THE PLACING OF LIENS ON  
CERTAIN PROPERTIES IN CITIES AND TOWNS.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately facilitate the placing of liens on certain properties in cities and towns, 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 40 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following section:-

Section 58. Any city or town may impose a lien on real property located within the city or town for any local charge or fee that has not been paid by the due date, said lien shall be known as the "municipal charges lien"; provided, that a separate vote at a town meeting, or by a city or town council is taken for each type of charge or fee.

A municipal charges lien authorized under this section shall take effect upon the recording of a list of unpaid municipal charges and fees by parcel of land and by the name of the person assessed for the charge or fee in the registry of deeds of the county or district where the land subject to the lien lies.

If a charge or fee which is secured by a municipal charges lien remains unpaid when the assessors are preparing a real estate tax list and warrant to be committed under section fifty-three of chapter fifty-nine, the board or officer in charge of the collection of the municipal charge or fee, or the town collector of taxes, if applicable under section thirty-eight A of chapter forty-one, shall certify such charge or fee to the assessors, who shall forthwith add such charge or fee to the tax on

---

**ACTS, 1987. – Chaps. 627, 628.**

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 or fee relates is tax exempt, such charge or fee shall be committed as the tax. A lien under this section may be discharged by filing a certificate from the tax collector that all municipal charges or fees constituting the lien, together with any interest and costs thereon, have been paid or legally abated. All costs of recording or discharging a lien under this section shall be borne by the owner of the property.

Approved December 30, 1987.

---

**Chapter 627. AN ACT RELATIVE TO THE WATERTOWN POLICE RELIEF ASSOCIATION.**

Be it enacted, etc., as follows:

**SECTION 1.** The Watertown Police Relief Association, Incorporated, a corporation duly established under the laws of the commonwealth, upon the retirement or death of a member pensioned after October seventh, nineteen hundred and eighty-seven, is hereby authorized to pay a death benefit not to exceed six thousand dollars. At the time of the retirement of a member in good standing, said member may receive up to two thousand, five hundred dollars. Any amount so paid shall reduce the death benefit otherwise payable on the death of such member.

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

Approved December 30, 1987.

---

**Chapter 628. AN ACT FURTHER REGULATING CERTAIN VETERANS REIMBURSEMENTS TO CITIES AND TOWNS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 2 of chapter 115 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 54, the words "one half" and inserting in place thereof the words:– seventy-five per cent.

**SECTION 2.** Section 6 of said chapter 115 is hereby amended by striking out, in line 20, as so appearing, the words: "one half" and inserting in place thereof the words:– seventy-five per cent.

**SECTION 3.** Section 8 of said chapter 115, as so appearing, is hereby

---

**ACTS, 1987. – Chap. 629.**

amended by striking out, in line 31, the words "One half" and inserting in place thereof the words:– Seventy-five per cent.

Approved December 30, 1987.

---

**Chapter 629. AN ACT RELATIVE TO THE TERMINATION OF CERTAIN TRUSTS.**

Be it enacted, etc., as follows:

Section 25 of chapter 203 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following two paragraphs:–

The court having jurisdiction of a trust under a will or other instrument, upon petition and after notice to the beneficiaries and other interested parties, may order either the consolidation or termination and distribution of the trust property. Such order may be issued regardless of any spendthrift or other such similar protective provision, if the court finds that the costs of administration thereof are such that the continuance of the trust, or the establishment of the trust if it is to be established upon distribution from an estate, would be uneconomical or would defeat or substantially impair the purposes of the trust. In ordering either the consolidation or termination and distribution of such trust the court shall consolidate the trust with other trusts where such consolidation is in the best interests of the trust beneficiaries, where consolidation will result in a more economical administration of the trust and where consolidation would not substantially impair the purposes of the trust. If consolidation of the trust is impractical in light of the foregoing considerations, the court may order the termination and distribution of the trust. In addition, the court may make such other and further orders as it deems proper or necessary to protect the interests of the beneficiaries and the trustee.

Such petition may be filed by the trustee, by any person interested in such trust or by the personal representative of a decedent's estate. The order shall specify the appropriate share of each beneficiary who is to share in the proceeds of the trust, taking into account the interests of income beneficiaries and remaindermen so as to conform as nearly as possible to the intention of the settlor or testator, but a trust qualifying for the marital deduction for tax purposes shall be distributed only to the surviving spouse of the decedent. The order may direct that the interest of a minor beneficiary, or any portion thereof, be distributed to a custodian pursuant to the Uniform Transfer to Minors Act or as otherwise provided by law. In the event that two or more petitions for the termination of such 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. Nothing in the preceding paragraphs shall limit the right of a trustee acting alone to

---

**ACTS, 1987. -- Chap. 630.**

terminate a trust without an order of the court in accordance with applicable provisions of the governing instrument.

Approved December 30, 1987.

---

**Chapter 630. AN ACT AUTHORIZING THE ESTABLISHMENT OF  
MUTUAL HOLDING COMPANIES.**

Be it enacted, etc., as follows:

The General Laws are hereby amended by inserting after chapter 167G the following chapter:-

**CHAPTER 167H.**

**MUTUAL HOLDING COMPANIES.**

Section 1. As used in this chapter the following words, unless the context otherwise requires, shall have the following meanings:-

"Commissioner:", the commissioner of banks

"Mutual banking institution", a Massachusetts savings or cooperative bank operating in mutual form

"Mutual holding company", a mutual banking institution reorganized in accordance with this chapter to hold all of the shares of capital stock of a subsidiary banking institution

"Subsidiary banking institution", the banking institution resulting from the reorganization of a mutual banking institution in accordance with section two of this chapter, the capital shares of which are owned by a mutual holding company.

Section 2. (a) Notwithstanding the provisions of any general or special law to the contrary, a mutual banking institution that is a savings bank may reorganize so as to become a mutual holding company by (1) establishing a subsidiary banking institution as a stock savings bank in accordance with section three, and (2) transferring to such subsidiary banking institution the substantial part of its assets and liabilities, including all of its deposit liabilities. Upon such transfer, all persons who prior thereto held depositary rights with respect to or other rights as creditors of such mutual banking institution shall have such rights solely with respect to the said subsidiary banking institution and the corresponding liability or obligation of the mutual banking institution to such persons shall be assumed by the subsidiary banking institution. All persons who had liquidation rights pursuant to section thirty-three of chapter one hundred and sixty-eight with respect to the mutual banking institution shall continue to have such rights solely with respect to said mutual holding company.

(b) Notwithstanding the provisions of any general or special law to the contrary, a mutual banking institution that is a cooperative bank may reorganize so as to become a mutual holding company by (1) establishing

a subsidiary banking institution as a stock cooperative bank in accordance with section three, and (2) transferring to such subsidiary banking institution the substantial part of its assets and liabilities, including all of its deposit liabilities. Upon such transfer, all persons who prior thereto held depositary rights with respect to or other rights as creditors of such mutual banking institution shall have such rights solely with respect to the said subsidiary banking institution and the corresponding liability or obligation of the mutual banking institution to such persons shall be assumed by the subsidiary banking institution. All persons who had liquidation rights pursuant to section twenty-seven of chapter one hundred and seventy with respect to the mutual banking institution shall continue to have such rights solely with respect to said mutual holding company.

(c) Any reorganization of a mutual banking institution pursuant to subsection (a) shall be approved by a majority of the board of trustees and by a majority of the incorporators present and voting in each case at the annual meeting or at a special meeting called, in accordance with the by-laws, for such purpose. Any such reorganization pursuant to subsection (b) shall be approved by a majority of the board of directors and by a majority of the shareholders present and voting in each case at the annual meeting or at a special meeting called, in accordance with the by-laws, for such purpose.

Section 3. A mutual banking institution proposing to reorganize as a mutual holding company pursuant to this chapter shall provide the commissioner with sixty days prior written notice of such proposed reorganization. The notice shall include a copy of the plan of reorganization and shall contain such other information as the commissioner may require.

Unless the commissioner approves the formation of the proposed mutual holding company by a written notice issued to the mutual banking institution proposing to reorganize, within sixty days after receipt of notice of the proposed reorganization or, extends for another thirty days the period during which such approval may be issued, such mutual banking institution shall not proceed with such proposed reorganization. If the commissioner so extends the period within which such approval may be issued but within such extended period does not approve, the mutual banking institution shall not proceed with such proposed reorganization.

In order to determine whether to approve the formation of a mutual holding company in accordance with the proposed reorganization plan, the commissioner shall consider the following factors:

(1) whether the formation of the proposed mutual holding company will be unfair or prejudicial to the depositors of the mutual banking institution proposing to reorganize as a mutual holding company;

(2) whether the interest of the public will be served by the formation of the proposed mutual holding company;

(3) whether disapproval is necessary to prevent unsafe or unsound banking practices;

(4) the financial and management resources of the mutual banking institution proposing to reorganize; and

(5) the competence, character and banking experience of the applicant, including its record of compliance with applicable laws and regulations.

In connection with a reorganization in accordance with this section, a mutual banking institution may, subject to the approval of the commissioner, retain assets at the mutual holding company level to the extent that such assets are not then required to be transferred to the subsidiary banking institution in order to satisfy capital or reserve requirements of any applicable state or federal law.

Section 4. (a) A mutual holding company shall be governed by a board of corporators and shall further be governed in accordance with the charter and by-laws of the mutual holding company as adopted or amended in connection with the reorganization authorized under subsection (a) of section two or as amended by the corporators thereafter. Such board of corporators shall have at least twenty-five members and may, at a legal meeting thereof, elect by ballot any person to be a corporator. Corporators shall be elected for a term of ten years; provided, however, that no person shall serve as a corporator of more than one mutual holding company. Not more than three-fifths of the corporators of a mutual holding company shall be trustees or officers thereof at any one time.

(b) With respect to a mutual holding company formed through the reorganization of a savings bank, the board of corporators shall initially consist of the board of corporators of such savings bank as constituted pursuant to section nine of chapter one hundred and sixty-eight. Such corporators shall, after the formation of the mutual holding company, continue to serve as corporators for the balance of the terms to which they were elected under said section nine.

(c) With respect to a mutual holding company which has been formed through the reorganization of a cooperative bank, the board of corporators shall be elected by a majority of the shareholders of such cooperative bank at the meeting at which the plan of reorganization is approved. Such election shall be in accordance with the provisions of subsection (b) of section two which are applicable to such approval of the plan of reorganization.

Section 5. The mutual banking institution proposing to form a subsidiary banking institution shall submit an application therefor to the board of banking incorporation, together with such fee as determined by the commissioner of administration annually in accordance with the provisions of section three B of chapter seven, containing such information as the board may require including articles of organization stating (i) the name of the subsidiary banking institution, (ii) the address of the principal office of the same, (iii) the amount, authorized number and par value of the shares of its capital stock, (iv) the minimum amount of capital and surplus with which the subsidiary banking institution shall commence business, which amount may be less than its authorized capital but shall not be less than that required by section three, and (v)

the name and address of each prospective initial director of the said subsidiary banking institution.

The board, before approving such application and articles of organization and issuing a charter, shall consider whether (1) the formation of the said subsidiary banking institution would be unfair or prejudicial to the depositors of the mutual banking institution proposing to reorganize as a mutual holding company, (2) the interest of the public will be served by the formation of the subsidiary banking institution, (3) the formation of such subsidiary banking institution is in accordance with safe and sound banking practices, and (4) the financial and management resources of the mutual banking institution proposing to reorganize as a mutual holding company warrant approval of such proposal.

If the board approves such application and articles of organization, it shall issue a charter and two copies of a certificate of authority to such subsidiary banking institution to commence the business of a stock savings bank or a stock cooperative bank, as the case may be. Such subsidiary banking institution shall file one copy of the certificate of authority, together with a copy of the articles of organization, with the secretary of state.

No subsidiary banking institution shall commence business until its insurable accounts or deposits are insured by the appropriate deposit insurer and until a certificate of authority has been issued and filed with the secretary of state; provided, however, that the acceptance of subscriptions for such deposits as may be necessary to obtain the required insurance shall not be considered to be commencing business.

Section 6. Upon the reorganization of a mutual banking institution into a mutual holding company, the mutual holding company shall (i) continue to possess and may exercise all the rights, powers and privileges, except deposit-taking powers, and shall be subject to all the limitations not inconsistent with this chapter of a mutual banking institution under applicable state law, and (ii) be subject to the limitations and restrictions imposed on bank holding companies by chapter one hundred and sixty-seven A and by applicable federal law and regulations, but shall not be authorized to exercise any rights, powers or privileges granted pursuant to such acts that are not also granted pursuant to this chapter.

Section 7. A mutual holding company organized under this chapter may:

(1) invest in the stock of one or more banking institutions as defined in section one of chapter one hundred and sixty-seven A;

(2) acquire a mutual banking institution through consolidation or merger of such institution with its subsidiary banking institution;

(3) merge with or acquire another holding company provided that any such holding company has, as one of its subsidiaries, a subsidiary banking institution;

(4) invest in a corporation, the purchase of the capital stock of which is permitted for a banking institution under state law;

(5) exercise any other power or engage in any activity permitted to a mutual banking institution chartered by the commonwealth; and

---

ACTS, 1987. – Chap. 631.

(6) engage directly or indirectly only in such activities as are now or may hereafter be proper activities for bank holding companies under chapter one hundred and sixty-seven A or by applicable federal law or regulations.

Section 8. Each mutual holding company shall register with the commissioner on forms prescribed by him which shall include such information with respect to the financial condition, operations, management and intercompany relationships of the mutual holding company and its affiliates and related matters as he may deem necessary or appropriate to carry out the purposes of this chapter. The commissioner may, in his discretion, extend the time within which a mutual holding company shall register and file the requisite information.

The commissioner, from time to time, may require reports under oath to keep him informed as to whether the provisions of this chapter and any regulations established thereunder have been complied with, and he may make examinations of each mutual holding company and each affiliate thereof, the cost of which shall be assessed against and paid by such mutual holding company.

The commissioner may establish such rules and regulations as he deems necessary to carry out the purposes of this chapter.

Section 9. With the approval of the commissioner and subject to such regulations as he may prescribe, a mutual holding company established pursuant to this chapter may convert to a stock holding company.

Section 10. If a mutual holding company acquires or merges with another holding company under the provisions of clause (3) of section seven, the holding company acquired or the holding company resulting from such merger or acquisition may only invest in assets and engage in activities which are authorized under section seven.

Not later than two years following any such merger or acquisition, the acquired holding company or the holding company resulting from such merger or acquisition shall (i) dispose of any asset which is an asset in which a mutual holding company may not invest under section seven, and (ii) cease any activity which is an activity in which a mutual holding company may not engage under said section seven.

Approved December 30, 1987.

EMERGENCY LETTER: January 26, 1988 @ 4:17 P.M.

---

**Chapter 631. AN ACT AUTHORIZING THE CONVEYANCE OF LAND AT JFK/UMASS STATION TO THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of sections forty F, forty F 1/2 and forty H to forty J, inclusive, of chapter seven of the General Laws, the deputy commissioner of the division of capital planning and operations is hereby authorized to convey to the Massachusetts Bay



Transportation Authority, for nominal consideration, for transportation purposes, including constructing a new terminal facility for the University of Massachusetts shuttle bus system and adding a public transit stop at the station on the Quincy/Braintree branch of the Red Line, two certain parcels of land in the city of Boston, owned by the commonwealth for the use of the trustees of the University of Massachusetts, which parcels of land are bounded and described as follows:

Parcel No. 3

Beginning at a point, which point is located at the intersection of the southerly property line of land now or formerly of the Butter Realty Company, Inc. and the westerly street line of William T. Morrissey Boulevard, formerly Old Colony Parkway; thence S24°-28'-29"E two hundred seven and 20/hundredths (207.20) feet along the westerly street line of William T. Morrissey Boulevard, formerly Old Colony Parkway, to a point; thence S52°-58'-05"W three hundred and 60/hundredths (300.60) feet by land now or formerly of the Commonwealth of Massachusetts to a point; thence along a curve with a radius of eight thousand two hundred one and 42/hundredths (8,201.42) feet a distance of two hundred twenty-three and 17/hundredths (223.17) feet by land now or formerly of the Massachusetts Bay Transportation Authority, to a point; thence N49°-27'-14"E two hundred twenty-six and 41 hundredths (226.41) feet by land now or formerly of the Butter Realty Company, Inc. to the point of beginning.

Parcel No. 4

Beginning at a point, which point is located at the intersection of the westerly street line of William T. Morrissey Boulevard, formerly Old Colony Parkway, and the northerly property line of land now or formerly of Hub Mail Advertising Service, Inc., N54°-38'-34"E nine and 89/hundredths (9.89) feet from a concrete bound on said property line; thence S54°-38'-34"W three hundred thirty-three and 69/hundredths (333.69) feet by land now or formerly of the Hub Mail Advertising Services, Inc., to a point; thence along a curve with a radius of eight thousand two hundred one and 42/hundredths (8,201.42) feet a distance of eighty-one and 99/hundredths (81.99) feet by land now or formerly of the Massachusetts Bay Transportation Authority, to a point; thence N88°-18'-49"E fifty-two and 41/hundredths (52.41) feet to a point; thence N01°-41'-11"W fourteen and no/hundredths (14.00) feet to a point; thence S88°-18'-49"W fifty-two and 87/hundredths (52.87) feet to a point; the last three courses by land now or formerly of the Commonwealth of Massachusetts (Parcel No. 5); thence N52°-58'-05"E three hundred and 60/hundredths (300.60) feet by land now or formerly of the Commonwealth of Massachusetts to a point; thence S24°-28'-29"E ninety-two and 03/hundredths (92.03) feet along the westerly street line of William T. Morrissey Boulevard, formerly Old Colony Parkway, to the point of beginning.

**SECTION 2.** Such conveyance shall be subject to an easement for use of platforms and busways by vehicles, students, faculty, staff and

---

**ACTS, 1987. – Chaps. 632, 633, 634.**

---

visitors of University of Massachusetts at Boston, and shall be subject to such further terms and conditions as the deputy commissioner of division of capital planning and operations shall determine in consultation with the board of regents.

Approved December 30, 1987.

---

**Chapter 632. AN ACT REQUIRING FIRE PREVENTION EDUCATION  
IN HOUSING FOR THE ELDERLY.**

Be it enacted, etc., as follows:

Section 28 of chapter 148 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out clause (2) and inserting in place thereof the following clause:—

(2) to provide adequate safety requirements for the protection of the public in the event of a fire in or about any building, structure or other premises or any ship or vessel, including the regulation of fire drills for theaters, schools, hospitals and elderly housing complexes.

Approved December 30, 1987.

---

**Chapter 633. AN ACT PROVIDING STATE FUNDED TRANSPORTATION TO SPECIAL NEEDS ADULTS EMPLOYED  
IN A PRIVATE WORK SETTING.**

Be it enacted, etc., as follows:

Section 17 of chapter 19B of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following two paragraphs:—

The department may provide reimbursement for transportation costs to any mentally retarded person competitively employed, who because of age or receipt of a high school diploma is no longer eligible for services provided under chapter seventy-one B and who is unable to use public transportation, or any other transportation such as car pools or available family transportation, due to the location of the person's residence or place of employment or due to the person's disability.

The amount of such reimbursement shall be determined by the department on a sliding fee scale. The department shall promulgate rules and regulations that limit reimbursements to reasonable transportation costs.

Approved December 30, 1987.

---

**Chapter 634. AN ACT AUTHORIZING CERTAIN PROVISIONS AL-**

---

**ACTS, 1987. - Chaps. 635, 636.**

**LOWED IN ARTICLES OF ORGANIZATION LIMITING  
THE LIABILITY OF DIRECTORS OF CERTAIN BUSI-  
NESS CORPORATIONS TO BE STATED IN CORPORA-  
TION'S BY-LAWS IN LIEU THEREOF.**

Be it enacted, etc., as follows:

Paragraph (a) of section 30 of chapter 175 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following clause:-

(4) The provisions which may be stated in the articles of organization, in accordance with clause (1 1/2) of paragraph (b) of section thirteen of chapter one hundred and fifty-six B may, in lieu thereof, be included in a by-law of an incorporated domestic mutual company, if such provisions are adopted by a two-thirds vote of those members present and voting at a meeting duly called for such purpose.

Approved December 30, 1987.

EMERGENCY LETTER: January 14, 1988 @ 5:03 P.M.

---

**Chapter 635. AN ACT ESTABLISHING PENALTIES FOR IMPRO-  
PERLY EXPENDING CERTAIN WAGES WITHHELD  
FROM EMPLOYEES.**

Be it enacted, etc., as follows:

Chapter 149 of the General Laws is hereby amended by inserting after section 150B the following section:-

Section 150C. Any person having employees in his service who withholds or deducts wages from employees for the purpose of purchasing or contributing toward the purchase of a blanket or general policy of insurance pursuant to section one hundred and ten of chapter one hundred and seventy-five and who fails to purchase such coverage or keep such coverage in force shall be punished by one or any combination of the following: by imprisonment in a jail or house of correction for not more than six months, by a fine of not more than one thousand dollars, by being required to reimburse employees for any wages withheld or deducted that were not put toward the use for which they were withheld or deducted, or by being required to pay for all costs incurred by an employee that would have been paid for or reimbursed by insurance if such insurance coverage had been in force.

Approved December 30, 1987.

---

**Chapter 636. AN ACT RELATIVE TO PARKING FINES IN THE TOWN  
OF MARSHFIELD.**

Be it enacted, etc., as follows:

---

**ACTS, 1987. - Chaps. 637, 638.**

Notwithstanding the provisions of section twenty A 1/2 of chapter ninety of the General Laws or any other law to the contrary, the town of Marshfield, acting by and through its board of selectmen, is hereby authorized to establish by rule or regulation a schedule of fines for violations subject to said section twenty A 1/2 committed within such town; provided, however, that all such fines shall be uniform for the same offense committed in the same zone or district, if any; and provided, further, that any fines established under the provisions of this act shall not exceed thirty-five dollars whether such fine is paid within twenty-one days or later.

Approved December 30, 1987.

---

**Chapter 637. AN ACT AUTHORIZING THE TOWN OF WALPOLE TO SELL CERTAIN CONSERVATION LAND.**

Be it enacted, etc., as follows:

The town of Walpole, acting by and through its board of selectmen, is hereby authorized to sell at auction for a minimum bid of two hundred and twenty-five thousand dollars, a certain parcel of conservation land of approximately two acres located on Elm street in said town and shown as Lot 1 on a plan entitled "Plan of Land in Walpole, Mass.", dated June 26, 1987 by John R. Anderson & Associates, being a portion of land known as the Jamison property acquired by the town of Walpole by deed recorded February 13, 1987, Book 7447, Page 85, registry of deeds in the county of Norfolk, said plan is on file in the office of the town clerk of said town.

Approved December 30, 1987.

---

**Chapter 638. AN ACT AUTHORIZING THE CITY OF FALL RIVER TO CONVEY A CERTAIN PARCEL OF PARK LAND.**

Be it enacted, etc., as follows:

The city of Fall River is hereby authorized to sell and convey under such terms and conditions as it deems proper a certain parcel of park land bounded and described as follows:

Beginning at a point on the southerly side of Pine Street, one hundred and ninety-five (195) feet east of the southeasterly intersection of Pine and Seabury Streets; thence running southerly by land of Globe Building Inc. a distance of one hundred and thirty-four (134) feet to a corner and land of the City of Fall River; thence easterly by said land a distance of two hundred and fifteen (215) feet to a corner; thence northerly by other land of the City of Fall River a distance of one hundred thirty-three and ninety hundredths (133.90) feet to the southerly line of Pine Street for a corner;

---

**ACTS, 1987. – Chaps. 639, 640.**

---

thence westerly along the southerly line of Pine Street a distance of two hundred and fifteen (215) feet to the point of beginning. Containing an area of 28,799 feet, more or less.

This parcel being a portion of the premises purchased by the City of Fall River from Lydia Ruggles on April twenty-ninth, eighteen hundred and sixty-eight, and recorded in the Fall River district registry of deeds in the county of Bristol in Book 63 on pages 233 and 234 of the copied records.

Approved December 30, 1987.

---

**Chapter 639. AN ACT FURTHER REGULATING RETIREMENT BENEFITS THAT MAY BE PAID BY THE HAVERHILL FIREMEN'S RELIEF ASSOCIATION.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 450 of the acts of 1975 is hereby amended by striking out section 1 and inserting in place thereof the following section:–

**Section 1.** The Haverhill Firemen's Relief Association, a corporation duly established under the laws of the commonwealth, is hereby authorized, upon the retirement of any member in good standing, to pay to such member such sum, not exceeding one thousand five hundred dollars, as may be determined by vote of the directors of said corporation. Upon the receipt of such sum, such member shall cease to be a member of said association and shall not thereafter be eligible for any further benefits.

**SECTION 2.** This act shall take effect as of January first, nineteen hundred and eighty-eight.

Approved December 30, 1987.

---

**Chapter 640. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY CERTAIN PARCELS OF LAND TO THE TOWN OF BELMONT.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately permit the town of Belmont to utilize certain parcels of land for cemetery purposes, 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 deputy commissioner of the division 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 to the town of Belmont, by a deed approved as to form by the attorney general, a certain parcel of land in the city of Waltham, being a portion of the land of the Metropolitan state hospital, for cemetery purposes. Said parcel is bounded and described as follows:

Beginning at a point in the center of Beaver Brook on the Belmont/Waltham town line, said point marked by a granite bound;

thence running northwesterly by land owned by the Town of Belmont being the former incinerator site six hundred thirteen and fifty-five hundredths (613.55) feet;

thence turning and running in a southwesterly direction by land of the Commonwealth of Massachusetts seven hundred and eighty (780+) feet more or less;

thence turning and running still in a southwesterly direction by land of the Commonwealth of Massachusetts two hundred fifty (250+) feet more or less;

thence turning and running in a southeasterly direction by land of the Commonwealth of Massachusetts five hundred (500+) feet more or less;

thence turning and running in an easterly direction by land of the Commonwealth of Massachusetts nine hundred eighty (980+) feet more or less to the center line of Beaver Brook on the Belmont/Waltham town line;

thence turning and running in a northwesterly direction by the center line of Beaver Brook one thousand two hundred and fifty (1,250+) feet more or less to the point of beginning.

Containing twenty-seven and twenty-four hundredths (27.24+) acres more or less, all as shown on a plan entitled, "Plan of Metropolitan State Hospital, Waltham, Lexington and Belmont, Mass." dated November 14, 1986, by the engineering department of the town of Belmont.

**SECTION 2.** The deputy commissioner of the division 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 to the town of Belmont by a deed approved as to form by the attorney general, a certain parcel of land in the town of Belmont formerly used for the purposes of incineration by the town of Belmont under the provisions of chapter five hundred and thirteen of the acts of nineteen hundred and fifty-five and subsequently by this declaration of reversion reverted to the commonwealth under section three of said chapter five hundred and thirteen, for the purpose of access to the cemetery authorized by section one, and for use as a refuse transfer station or any other related purpose. Said parcel is bounded and described as follows:

Beginning at a point in the southwesterly line of Concord Avenue, distant one thousand six hundred eighty-five (1,685) feet from the Lexington town line; thence running along Concord avenue to the property line of the Massachusetts General Hospital, (now McLean

Hospital Corporation) six hundred thirty-four and eighty-five one hundredths (634.85) feet; thence turning and running southerly by land of said Massachusetts General Hospital, four hundred sixty-one and forty-five one hundredths (461.45) feet; thence turning and running southwesterly but more westerly across Clematis brook to the middle line of Beaver brook, five hundred sixty-six and ninety one hundredths (566.90) feet; thence turning and running southeasterly but more southerly by the middle line of said Beaver brook to the Waltham town line, two hundred thirty-four and eighty one hundredths (234.80) feet; thence turning and running northwesterly along the Waltham town line, six hundred thirteen and fifty-five one hundredths (613.55) feet to a point marked by a stone bound; thence turning and running northeasterly one thousand one hundred ten and forty-one one hundredths (1,110.41) feet, to the point of beginning; being the parcel of land shown on a plan entitled "Plan of land in Belmont, Mass. Scale 1 inch = 150 feet, dated April 29, 1955 by Joseph W. Kales, Town Engineer" on file in the town clerk's office in the town of Belmont and recorded at the southern district registry of deeds in the county of Middlesex.

**SECTION 3.** In the event the parcel described in section one is not used for cemetery purposes within five years of the effective date of this act, or if the town of Belmont ceases to use the parcel for such purposes at any time, the ownership of said parcel shall revert to the commonwealth.

In the event the parcel described in section two is not used for access to the cemetery authorized in section one or as a refuse transfer station or any other related purpose within five years of the effective date of this act, the ownership of said parcel shall revert to the commonwealth.

**SECTION 4.** The town of Belmont shall assume the costs of surveys, and other reasonable expenses as deemed necessary by the deputy commissioner in the event of conveyance of the above described parcels in accordance with sections one and two.

Approved December 31, 1987.

---

**Chapter 641. AN ACT PROHIBITING THE USE OF TOBACCO IN THE PUBLIC SCHOOLS.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 71 of the General Laws is hereby amended by inserting after section 2 the following section:-

Section 2A. It shall be unlawful for any student, enrolled in either primary or secondary public schools in the commonwealth, to use tobacco products of any type on school grounds during normal school hours.

Each school committee shall establish a policy dealing with students

---

**ACTS, 1987. - Chap. 642.**

who violate this law. This policy may include, but not be limited to, mandatory education classes on the hazards of tobacco use.

**SECTION 2.** This act shall take effect September first, nineteen hundred and eighty-nine.

Approved December 31, 1987.

---

**Chapter 642. 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 the 1986 Official Edition, is hereby amended by striking out, in line 35, the word "eighty-eight" and inserting in place thereof the word:- ninety.

**SECTION 2.** Section 19 of said chapter 21C, as so appearing, is hereby amended by striking out, in line 19, the word "eighty-eight" and inserting in place thereof the word:- ninety.

**SECTION 2A.** Section 2 of chapter 21E of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the definition of "Respond", the following two definitions:-

"Response action contract", any contract relating to the provision of services to assess, contain or remove oil or hazardous material which is entered into on or after the effective date of this definition between the commonwealth or any agency thereof, and a response action contractor.

"Response action contractor" or "contractor", an individual, partnership, corporation, association, joint venture or other commercial entity which enters into a response action contract with the commonwealth or any agency thereof and includes any such entity acting as a subcontractor to the primary response action contractor where such entity is performing services relating to the response action contract.

**SECTION 2B.** Said chapter 21E, as so appearing, is hereby further amended by adding the following three sections:-

Section 16. (a) A response action contractor with respect to any release or threatened release of oil or hazardous material shall not be strictly liable under this chapter nor under any other state law to any person for injuries, costs, damages, expenses or other liability including but not limited to claims for indemnification or contribution and claims by third parties for death, personal injury, illness or loss of or damage to real or personal property or economic loss which results from such release or threatened release.

(b) The limitation of liability provided under subsection (a) shall apply only to response action contractor liability arising out of a release or



threatened release of oil or hazardous material resulting from response actions conducted by the response action contractor.

(c) Any response action contractor who is otherwise liable under subsection (a) of section five for a release or threatened release of oil or hazardous material at a site shall not be entitled to any limitation of liability under this section by virtue of becoming a response action contractor at that site.

Section 17. (a) The commonwealth may enter into an indemnification agreement to indemnify and hold harmless any response action contractor who meets the requirements of this section against any liability for negligence, including legal fees and costs, if any, in an amount not to exceed a figure established by the indemnification agreement pursuant to the terms of this section. In no event shall the amount of indemnification to be provided under an indemnification agreement exceed two million dollars for a single occurrence involving the release or threatened release of oil or hazardous material. No indemnification shall be provided pursuant to an indemnification agreement under this section if the response action contractor acted in a grossly negligent, willful or malicious manner or if the act or omission which gives rise to a claim was not within the scope of the response action contract.

(b) The indemnification provided by subsection (a) shall not be available to any potentially responsible party with respect to any costs or damages caused by any act or omission of a response action contractor. Nothing in this section shall affect the liability under this chapter or under any state or federal law of any potentially responsible party.

(c) Indemnification under this section shall apply only to response action contractor liability arising out of a release or threatened release of oil or hazardous material resulting from response actions conducted by the response action contractor pursuant to its response action contract.

(d) Indemnification may be provided under this section only if the response action contractor and the commonwealth or an agency thereof enter into an indemnification agreement. An indemnification agreement may be entered into by the commonwealth or any of its agencies only if the following requirements are met:

(1) The liability covered by the indemnification agreement exceeds or is not covered by insurance available to the response action contractor at a fair and reasonable price when entering into the response action contract, and adequate insurance to cover such liability is not generally available at the time the response action contract is entered into.

(2) The response action contractor has made diligent efforts to obtain insurance coverage for such liability from sources other than the commonwealth including diligent efforts to self-insure.

(3) In the case of a response action contract covering more than one site, the response action contractor agrees to make such diligent efforts to obtain insurance coverage each time the contractor begins work under the contract at a new site.

---

ACTS, 1987. - Chap. 642.

(e) Any indemnification agreement entered into under subsection (d) shall include specific terms and conditions under which the commonwealth will indemnify the contractor, such as the establishment of premiums, deductibles and limitations on available indemnification, and the provision of notice to the commonwealth in the event that a claim is asserted against the response action contractor.

(f) The commissioner of insurance shall provide information necessary to make the determination specified in clause (1) of subsection (d) through the publishing of an annual report on the availability of insurance for response action contractors generally, and by providing guidance to agencies of the commonwealth on an ongoing basis. The first of such reports shall be published within thirty days of the effective date of this section.

(g) Amounts expended pursuant to this section for indemnification of any person who is a response action contractor with respect to any release or threatened release, shall be considered a cost of response incurred by the commonwealth with respect to such release, and the commonwealth may seek recovery of such costs from other parties liable under section five.

Section 18. Any agency of the commonwealth is authorized to promulgate regulations as it deems necessary for the implementation and administration of sections sixteen and seventeen subject to the approval of the executive office of administration and finance. Failure to promulgate such regulations shall not affect any agency's right to enter into indemnification agreements under said sections sixteen and seventeen nor the validity or enforceability of said sections or agreements.

Nothing in sections sixteen or seventeen shall affect the liability of any person under any warranty, nor the liability of an employer who is a response action contractor to any employee of such employer under any provision of law, including any provision relating to workers' compensation.

**SECTION 3.** Section 4 of chapter 10 of the acts of 1986 is hereby amended by striking out the word "eighty-eight", inserted by section 3 of chapter 628 of the acts of 1986, and inserting in place thereof the word:- ninety.

**SECTION 4.** The second paragraph of section 4A of said chapter 10 is hereby amended by striking out the word "eighty-eight", inserted by section 4 of said chapter 628, and inserting in place thereof the word:- ninety.

**SECTION 5.** Section 6 of said chapter 10 is hereby amended by striking out the word "eighty-eight", inserted by section 5 of said chapter 628, and inserting in place thereof the word:- ninety

Approved December 31, 1987.

EMERGENCY LETTER: December 31, 1987 @ 1:49 P.M.

**Chapter 643. AN ACT RELATING TO THE USE OF DIAGNOSTIC PHARMACEUTICAL AGENTS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 57 of chapter 71 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following paragraph:-

Any person who conducts an eye examination of a child in response to such child having failed an eye examination given in accordance with the provisions of this section shall forward a written report of the results of the examination to the school health personnel and a copy of said report to a parent or guardian of such child. Said report shall include, but not be limited to, the following:

- (a) date of the report;
- (b) name and address of the child;
- (c) name of the child's school;
- (d) type of examination;
- (e) a summary of significant findings, including diagnoses, medication used, duration of action of medication, treatment, prognosis, whether or not a return visit is recommended and, if so, when;
- (f) recommended educational adjustments for the child, if any, which may include the following: preferential seating in the classroom, eyeglasses for full-time use in school, eyeglasses for part-time use in school, sight-saving eyeglasses or any other recommendations;
- (g) name, address and signature of the examiner.

**SECTION 2.** Section 66A of chapter 112 of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Any registered optometrist, qualified by examination for practice under the provisions of section sixty-eight subsequent to January first, nineteen hundred and eighty-four or duly certified in accordance with the provisions of section sixty-eight A may for the purpose of conducting an examination of the eye, and not for therapeutic purposes, utilize the topical application to the eye of diagnostic pharmaceutical agents; provided, however, that mydriatic agents shall not be administered to a person with an iris-fixed pseudophakes.

**SECTION 3.** Section 67 of said chapter 112, as so appearing, is hereby amended by inserting after the third sentence the following sentence:- Said report shall include a listing of the reports, if any, of adverse reactions to the administration of diagnostic pharmaceutical agents in accordance with the provisions of section sixty-eight.

**SECTION 4.** The first paragraph of section 68 of said chapter 112, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following two sentences:- Every applicant for examination shall present satisfactory evidence, in the form of

affidavits properly sworn to, that he is eighteen years of age or older and of good moral character, that he has graduated from a high school having a course of study of four years and approved by the board or has had a preliminary education equivalent to at least four years in public high school, and that he has graduated from a school or college of optometry, approved by the board, maintaining a course of study of not less than two years with a minimum requirement of fifteen hundred attendance hours or in the case of a person applying for a first examination after January first, nineteen hundred and thirty-five, maintaining a course of study of not less than three separate academic years, each academic year consisting of thirty-six weeks of classroom work with thirty hours of instruction each week and this course of study shall include ninety-five hours of study in the following areas:

(A) general pharmacology: four hours in biochemistry; eight hours in general physiology, two of which shall be in pediatric physiology; eight hours in pharmacology, three of which shall be in pediatric pharmacology; and ten hours in indications and ocular effects of commonly prescribed drugs, two of which shall be in indications of effects in pediatric situations;

(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;

(C) interpretation and patient management: six hours each in the study of anterior and posterior segment; two hours in pediatric eye diseases; two hours in glaucoma; and one hour in ocular emergency;

(D) cardiopulmonary resuscitation, including treatment of anaphylaxis: four hours; and

(E) Supervised clinical practice, including six hours in pediatric practice: thirty hours. If an applicant is unable to prove graduation from, or four years actual attendance at a high school, the board shall determine his preliminary education qualifications by a proper and separate examination.

**SECTION 5.** Said section 68 of said chapter 112, as so appearing, is hereby further amended by adding the following paragraph:-

Any person certified under this section who observes a patient's adverse reaction to a diagnostic pharmaceutical agent, shall report said observance and any comment thereon to the board of registration in optometry.

**SECTION 6.** Section 68A of said chapter 112, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Such examination shall be open upon application to any optometrist registered under the provisions of this chapter and to any person who meets the qualifications for examination under section sixty-eight; provided, however, that each applicant shall furnish to the board satisfactory evidence of the completion of a qualifying course of study

relating to the topical application to the eye of diagnostic pharmaceutical agents. Such a qualifying course of study shall be at a duly accredited medical school or college of optometry. The board shall, from time to time, adopt rules and regulations prescribing the content of said course of study; provided, however, that said course of study shall require a combined total of at least ninety-five hours of study and shall include the following areas of study:

(A) general pharmacology: four hours in biochemistry; eight hours in general physiology, two of which shall be in pediatric physiology; eight hours in pharmacology, three of which shall be in pediatric pharmacology; and ten hours in indications and ocular effects of commonly prescribed drugs, two of which shall be in indications of effects in pediatric situations;

(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;

(C) interpretation and patient management: six hours each in the study of anterior and posterior segment, two hours in pediatric eye diseases; two hours in glaucoma; and one hour in ocular emergency;

(D) cardiopulmonary resuscitation, including treatment of anaphylaxis: four hours; and

(E) supervised clinical practice, including six hours in pediatric practice: thirty hours.

**SECTION 7.** Notwithstanding the provisions of sections sixty-six A and sixty-eight A of chapter one hundred and twelve of the General Laws, any registered optometrist who has: graduated from a school or college of optometry, approved by the board of registration in optometry, during the period from January first, nineteen hundred and eighty-one to December thirty-first, nineteen hundred and eighty-three; successfully completed a thirty hour lecture and clinical review regarding the use of diagnostic pharmaceutical agents; and successfully passed an examination administered by said board pursuant to the provisions of said section sixty-eight A; shall be issued a certificate of qualification in the utilization of diagnostic pharmaceutical agents; provided, however, that proof of compliance with the aforementioned requirements has been filed with said board on or before March first, nineteen hundred and eighty-eight.

**SECTION 8.** The board of registration in optometry shall promulgate rules and regulations to provide that any registered optometrist qualified by meeting the requirements for licensure by reciprocity under section sixty-eight of chapter one hundred and twelve of the General Laws and having originally qualified for licensure in another state shall be issued a certificate of qualification by the board upon providing the board with

---

ACTS, 1987. - Chap. 644.

evidence of successful completion of the course work provided in section sixty-eight A, or its equivalent.

Approved December 31, 1987.

EMERGENCY LETTER: December 31, 1987 @ 1:49 P.M.

---

**Chapter 644. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY CERTAIN PARK LAND IN THE TOWN OF HULL TO THE HULL REDEVELOPMENT AUTHORITY.**

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 F 1/2 and forty J, of chapter seven of the General Laws, to sell and convey by deed approved as to form by the attorney general, three parcels of land located in the town of Hull, to the Hull Redevelopment Authority, or its successors, subject to the requirements of sections two through five, inclusive, and to such additional terms and conditions as the deputy commissioner may prescribe, in consultation with the metropolitan district commission.

Said parcels of land are as follows:

**PARCEL 1**

A CERTAIN PARCEL OF LAND SITUATED IN HULL, MASSACHUSETTS CONTAINING 55,625 S.F AND SHOWN AS PARCEL 3C ON A PLAN ENTITLED "MDC/HRA LAND EXCHANGE PLAN IN HULL (PLYMOUTH COUNTY) MASS." SCALE 1"=80', DATED MAY 7, 1987, AND REVISED AUGUST 19, 1987, PREPARED FOR A.J. LANE CO. INC., PREPARED BY BRIGGS ASSOC. INC., 400 HINGHAM STREET, ROCKLAND, MASS., 02370 AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERLY SIDE OF NANTASKET AVENUE AT THE SOUTHWESTERLY CORNER OF PARCEL 3C;

THENCE: BY THE NORTHEASTERLY SIDE OF NANTASKET AVENUE N41°-01'-28W, 240.00 FEET;

THENCE: N43°-17'-10"E, 100.50 FEET BY LAND KNOWN NOW OR FORMERLY ESTATE OF WILLIAM M. BERGAN;

THENCE: N41°-01'-45"W, 62.39 FEET BY LAND NOW OR FORMERLY ESTATE OF WILLIAM M. BERGAN;

THENCE: N41°-56'-00"E, 94.72 FEET BY PARCEL 3A;

THENCE: S42°-57'-06"E, 60.79 FEET BY PARCEL B;

THENCE: S39°-57'-58"E, 213.25 FEET BY PARCEL B;

THENCE: N48°-58'-32"E, 26.95 BY PARCEL B;

THENCE: S35°-56'-52"E, 50.22 FEET BY PARCEL B;

THENCE: S48°-58'-59"W, 214.69 FEET BY PARCEL 1 TO THE POINT OF BEGINNING.

PARCEL 2

A CERTAIN PARCEL OF LAND SITUATED IN HULL, MASSACHUSETTS CONTAINING 12,513 S.F AND SHOWN AS PARCEL B ON A PLAN ENTITLED "MDC/HRA LAND EXCHANGE PLAN IN HULL (PLYMOUTH COUNTY) MASS." SCALE 1"=80', DATED MAY 7, 1987, AND REVISED AUGUST 19, 1987, PREPARED FOR A.J. LANE CO. INC., PREPARED BY BRIGGS ASSOC. INC., 400 HINGHAM STREET, ROCKLAND, MASS., 02370 AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHWESTERLY SIDE OF HULL SHORE DRIVE, 3.50 FEET FROM THE NORTHEAST CORNER OF PARCEL A:

THENCE: N33°-17'-59"E, 10.70 FEET;

THENCE: BY THE SOUTHWESTERLY SIDE OF HULL SHORE DRIVE S55°-38'-53"E, 33.40 FEET;

THENCE: CONTINUING BY THE SOUTHWESTERLY SIDE OF HULL SHORE DRIVE S55°-36'-52"E, 31.41 FEET;

THENCE: CONTINUING BY THE SOUTHWESTERLY SIDE OF HULL SHORE DRIVE BY A CURVE TO THE RIGHT HAVING A RADIUS OF 2943.27 FEET; A DISTANCE OF 194.48 FEET;

THENCE: CONTINUING BY THE SOUTHWESTERLY SIDE OF HULL SHORE DRIVE S44°-44'-59"E, 86.36 FEET

THENCE: CONTINUING BY THE SOUTHWESTERLY SIDE OF HULL SHORE DRIVE S44°-16'-11"E, 209.08 FEET

THENCE: CONTINUING BY THE SOUTHWESTERLY SIDE OF HULL SHORE DRIVE S42°-58'-09"E, 149.77 FEET;

THENCE: BY A CURVED LINE TO THE RIGHT HAVING A RADIUS OF 15.00 FEET, A DISTANCE OF 16.29 FEET;

THENCE: S48°-59'-09"W, 22.21 FEET BY PARCEL 3B;

THENCE: N39°-54'-14"W, 50.02 FEET BY PARCEL 3B;

THENCE: N48°-58'-59"E, 23.34 FEET BY PARCEL 3C;

THENCE: N35°-56'-32"W, 50.22 FEET BY PARCEL 3C;

THENCE: S48°-58'-32"W, 26.95 FEET BY PARCEL 3C;

THENCE: N39°-57'-58"W, 213.25 FEET BY PARCEL 3C;

THENCE: N42°-57'-06"W, 60.79 FEET BY PARCEL 3C;

THENCE: N44°-27'-50"W, 35.59 FEET BY PARCEL 3A;

THENCE: BY A CURVED LINE TO THE RIGHT HAVING A RADIUS OF 1854.60 FEET, A DISTANCE OF 298.78 FEET TO THE POINT OF BEGINNING.

PARCEL 3

A CERTAIN PARCEL OF LAND SITUATED IN HULL, MASSACHUSETTS CONTAINING 1,774 S.F AND SHOWN AS PARCEL D ON A PLAN ENTITLED "MDC/HRA LAND EXCHANGE PLAN IN HULL

(PLYMOUTH COUNTY) MASS." SCALE 1"=80', DATED MAY 7, 1987 AND REVISED AUGUST 19, 1987, PREPARED FOR A.J. LANE CO. INC., PREPARED BY BRIGGS ASSOC. INC., 400 HINGHAM STREET, ROCKLAND, MASS., 02370 AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHWESTERLY SIDE LINE OF HULL SHORE DRIVE; SAID POINT BEING A COMMON CORNER OF PARCELS C AND D AS SHOWN ON THE ABOVE MENTIONED PLAN:

THENCE: BY THE SIDELINE OF HULL SHORE DRIVE ON A LINE CURVING TO THE RIGHT HAVING A RADIUS OF 3216.74 FEET, A DISTANCE OF 303.16 FEET;

THENCE: BY THE SIDELINE OF HULL SHORE DRIVE S36°-00'-00"E, 346.74 FEET;

THENCE: BY THE SIDELINE OF HULL SHORE DRIVE ON A LINE CURVING TO THE RIGHT HAVING A RADIUS OF 103.89 FEET, 69.23 FEET;

THENCE: BY THE SIDELINE OF HULL SHORE DRIVE S02°-10'-40"W, 12.23 FEET;

THENCE: BY A CURVE TO THE LEFT HAVING A RADIUS OF 144.00 FEET, A DISTANCE OF 54.97 FEET;

THENCE: N35°-30'-57"W, 352.16 FEET;

THENCE: N37°-12'-19"W, 201.93 FEET;

THENCE: N39°-54'-14"W, 120.95 FEET TO THE POINT OF BEGINNING AND THE POINT FIRST MENTIONED.

**SECTION 2.** In consideration of such conveyance the Hull Redevelopment Authority is hereby authorized to convey and shall convey to the commonwealth by deed, approved as to form by the attorney general, all right, title and interest in the following parcels of land located in said town.

Said parcels of land are as follows:-

**PARCEL 1.**

A CERTAIN PARCEL OF LAND SITUATED IN HULL, MASSACHUSETTS CONTAINING 32,908 S.F AND SHOWN AS PARCEL A ON A PLAN ENTITLED "MDC/HRA LAND EXCHANGE PLAN IN HULL (PLYMOUTH COUNTY) MASS." SCALE 1"=80', DATED MAY 7, 1987 AND REVISED AUGUST 19, 1987 PREPARED FOR A.J. LANE CO. INC., PREPARED BY BRIGGS ASSOC. INC., 400 HINGHAM STREET, ROCKLAND, MASS., 02370 AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE INTERSECTION OF PHIPPS STREET AND HULL SHORE DRIVE:

THENCE: BY THE SOUTHWESTERLY SIDE OF HULL SHORE DRIVE S55°-36'-02"E, 124.50 FEET

THENCE: BY A CURVED LINE TO THE RIGHT HAVING A RADIUS OF 1854.60 FEET, A DISTANCE OF 55.59 FEET;

THENCE: S30°-45'-55"W, 34.12 FEET BY PARCEL 4;



---

ACTS, 1987. - Chap. 644.

THENCE: S21°-48'-03"W, 10.00 FEET BY PARCEL 4;  
THENCE: S33°-17'-59"W, 101.39 BY PARCEL 4;  
THENCE: BY THE NORTHWESTERLY SIDE OF SAMOSET AVENUE  
N47°-13'-00"W, 184.00 FEET;  
THENCE: BY THE EASTERLY SIDE OF PHIPPS STREET  
N14°-00'-19"E, 22.33 FEET;  
THENCE: BY THE EASTERLY SIDE OF PHIPPS STREET A CURVED  
LINE TO THE RIGHT HAVING A RADIUS OF 153.00 FEET, A  
DISTANCE OF 58.32 FEET;  
THENCE: BY THE EASTERLY SIDE OF PHIPPS STREET  
N42°-53'-34"E, 82.67 FEET TO THE POINT OF BEGINNING.

PARCEL 2.

A CERTAIN PARCEL OF LAND SITUATED IN HULL, MASSA-  
CHUSETTS CONTAINING 384 S.F AND SHOWN AS PARCEL C ON A  
PLAN ENTITLED "MDC/HRA LAND EXCHANGE PLAN IN HULL  
(PLYMOUTH COUNTY) MASS." SCALE 1"=80', DATED MAY 7, 1987,  
AND REVISED AUGUST 19, 1987 PREPARED FOR A.J. LANE CO.  
INC., PREPARED BY BRIGGS ASSOC. INC., 400 HINGHAM STREET,  
ROCKLAND, MASS., 02370 AND BEING MORE PARTICULARLY  
BOUNDED AND DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT ON THE SOUTHWESTERLY SIDE OF HULL  
SHORE DRIVE AT THE EASTERLY CORNER OF PARCEL B:  
THENCE: BY A CURVED LINE TO THE LEFT HAVING A RADIUS OF  
15.00 FEET, A DISTANCE OF 8.23 FEET;  
THENCE: BY THE SOUTHWESTERLY SIDE OF HULL SHORE DRIVE  
S44°-40'-37"E, 56.07 FEET;  
THENCE: CONTINUING BY THE SOUTHWESTERLY SIDE OF HULL  
SHORE DRIVE S39°-54'-11"E, 30.59 FEET;  
THENCE: CONTINUING BY THE SOUTHWESTERLY SIDE OF HULL  
SHORE DRIVE S39°-54'-14"E, 104.19 FEET;  
THENCE: N41°-24'-00"W, 130.33 FEET BY PARCEL 1;  
THENCE: N42°-58'-09"W, 52.46 FEET BY PARCEL 1 TO THE POINT  
OF BEGINNING.

PARCEL 3.

A CERTAIN PARCEL OF LAND SITUATED IN HULL, MASSA-  
CHUSETTS CONTAINING 22,588 S.F AND SHOWN AS PARCEL 1A ON A  
PLAN ENTITLED "MDC/HRA LAND EXCHANGE PLAN IN HULL  
(PLYMOUTH COUNTY) MASS." SCALE 1"=80'. DATED MAY 7, 1987,  
AND REVISED AUGUST 19, 1987 PREPARED FOR A.J. LANE CO.  
INC., PREPARED BY BRIGGS ASSOC. INC., 400 HINGHAM STREET,  
ROCKLAND, MASS., 02370 AND BEING MORE PARTICULARLY  
BOUNDED AND DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT AT THE INTERSECTION OF WATER STREET  
AND HULL SHORE DRIVE:  
THENCE: BY THE WESTERLY SIDE OF WATER STREET

---

ACTS, 1987. - Chap. 644.

S49°-00'-59"W, 156.98 FEET TO THE INTERSECTION OF NANTASKET AVENUE;  
THENCE: BY THE NORTHEASTERLY SIDE OF NANTASKET AVENUE N41°-01'-28"W, 219.15 FEET;  
THENCE: S87°-49'-20"E, 154.13 FEET;  
THENCE: BY A CURVED LINE TO THE RIGHT HAVING A RADIUS OF 176.00 FEET, A DISTANCE OF 89.79 FEET;  
THENCE: BY THE SOUTHWESTERLY SIDE OF HULL SHORE DRIVE S37°-03'-04"E 38.67 FEET TO THE POINT OF BEGINNING.

PARCEL 4 is bounded and described as follows:-

Beginning at the southwest corner of the herein described property; thence:

N36-43'-22"W by Hull Shore Drive, so-called, two hundred twenty-nine and 80/100 (229.80) feet; thence:

Northwesterly by said Hull Shore Drive by a curved line curving to the left with a radius of three thousand two hundred fifty-three and 79/100 (3,253.79) feet a distance of three hundred eighty-three and 33/100 (383.33) feet; thence:

N45-38'-09"E by land now or formerly of the Metropolitan District Commission seventy-four and 21/100 (74.21) feet; thence:

N39-28'-59"W by land now or formerly of said commission seventy-one and 26/100 (71.26) feet; thence:

N43-07'-32"E by Quincy Street fourteen and 14/100 (14.14) feet; thence:

N39-19'-28"W by said Quincy Street thirty-four and 10/100 (34.10) feet; thence:

N43-15'-17"E seventy and 36/100 (70.36) feet; thence:

Southeasterly by the Atlantic Ocean six hundred eighty-four feet, more or less; thence:

S49-18'-39"W ninety-five and 50/100 (95.50) feet; thence:

S41-10'-26"E fifty and 00/100 (50.00) feet; thence:

S49-23'-10"W by land now or formerly of the Metropolitan District Commission nineteen and 37/100 (19.37) feet to the point of beginning.

Containing 79,200 square feet, more or less, and being shown on a plan entitled "Plan of Land in Hull, Mass." dated October 30, 1984 by South Shore Survey Service.

**SECTION 3.** No deed conveying by or on behalf of the commonwealth the property described in section one shall be valid unless such deed provides that said property shall be used only for parking purposes or other development purposes under the Hull urban redevelopment project.

**SECTION 4.** In the event that the property described in section one is not used for the purposes described in section three within three years of the effective date of this act, or if the aforementioned purpose ceases at any time, the parcels shall revert to the commonwealth under such terms and conditions as the deputy commissioner may prescribe.

---

**ACTS, 1987. – Chaps. 645, 646.**

**SECTION 5.** The recipient of said conveyance shall assume the costs of appraisals, surveys, and other expenses as deemed necessary by the deputy commissioner for the conveyance of such property.

Approved December 31, 1987.

---

**Chapter 645. AN ACT AUTHORIZING AND DIRECTING THE SUPERINTENDENT OF STATE OFFICE BUILDINGS TO INSTALL AND MAINTAIN A PLAQUE IN HONOR OF THE MEN OF THE UNITED STATES MARINE CORPS FROM THE COMMONWEALTH WHO WERE KILLED IN THE TERRORIST ATTACK ON THE UNITED STATES MARINE CORPS BATTALION HEADQUARTERS IN BEIRUT, LEBANON.**

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 Nurses Hall in the state house in honor and memory of those men of the United States Marine Corps from the commonwealth who were killed in the terrorist attack on the United States Marine Corps Battalion Headquarters in Beirut, Lebanon on October twenty-third, nineteen hundred and eighty-three.

Approved December 31, 1987.

---

**Chapter 646. AN ACT PROVIDING RELIEF TO THE CITIES AND TOWNS IN BERKSHIRE COUNTY DAMAGED BY THE STORM OF OCTOBER FOURTH, NINETEEN HUNDRED AND EIGHTY-SEVEN.**

Be it enacted, etc., as follows:

**SECTION 1.** To provide for disaster relief and to meet the expenses of public services incurred as a result of the storm which struck Berkshire county on October fourth, nineteen hundred and eighty-seven, 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 ninety-nine of the acts of nineteen hundred and eighty-seven.

**SECTION 2.** Section 2 of chapter 199 of the acts of 1987 is hereby amended by inserting after line item 1599-3530 the following line item:

---

ACTS, 1987. – Chap. 646.

1599-3655 For the purpose of providing emergency disaster relief to cities and towns in Berkshire county relating to the damage caused by the storm which struck the Berkshires on October fourth, nineteen hundred and eighty-seven including but not limited to the extraordinary costs and expenses associated with necessary clean up and disposal of debris to alleviate the danger and emergency posed by damaged and downed trees and limbs along public streets and ways, and in the waterways of Berkshire county. Said reimbursement shall include the expense of overtime costs for public employees, the cost of hired and purchased equipment and crews; provided, that the figures below represent approximately eighty-seven and one-half per cent of the cost of the total damages certified by the civil defense agency and the office of emergency preparedness; and provided further, that the civil defense agency may expend up to two-and-one-half per cent of this appropriation for administrative purposes:

Alford	\$7,000
Cheshire	\$56,875
Dalton	\$65,625
Stockbridge	\$87,500
West Stockbridge	\$11,375
New Ashford	\$3,325
Richmond	\$21,875
Hancock	\$5,250
Great Barrington	\$74,375
Egremont	\$26,250
Adams	\$52,500
Williamstown	\$175,000
Pittsfield	\$1,356,250
Lee	\$22,750
North Adams	\$175,000
Lanesboro	\$26,250
Clarksburg	\$39,375
Monterey	\$4,375
Tyringham	\$4,375
Sandisfield	\$3,675
New Marlboro	\$8,750
Lenox	\$41,787
Sheffield	\$26,119
Otis	\$7,000
	\$2,360,222
Local Aid Fund	100.0%

---

**ACTS, 1987. – Chap. 647.**

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

Approved December 31, 1987.

---

**Chapter 647. AN ACT FURTHER REGULATING THE COMPENSATION OF THE CLERKS AND ASSISTANT CLERKS OF THE SUPREME JUDICIAL COURT FOR THE COMMONWEALTH.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide a new compensation schedule for the clerks and assistant clerks of the supreme judicial 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.** Section 93 of chapter 221 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the first two sentences and inserting in place thereof the following sentence:– The clerk and assistant clerk of the supreme judicial court for the commonwealth shall receive such salary, subject to appropriation, as the chief justice of said court shall 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, however, 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 of the supreme judicial court with the house and senate committees on ways and means.

**SECTION 2.** Section 94 of said chapter 221, as so appearing, is hereby amended by striking out the four paragraphs under the caption SUPREME JUDICIAL COURT FOR SUFFOLK COUNTY and inserting in place thereof the following paragraph:–

The clerk and all assistant clerks for the supreme judicial court for Suffolk county shall receive such salaries, subject to appropriation, as the chief justice of the supreme judicial court shall 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, however, 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 of the supreme judicial court with the house and senate committees on ways and means.

**SECTION 3.** If immediately prior to July first, nineteen hundred and eighty-six, any clerk or assistant clerk of the supreme judicial court for the commonwealth or any clerk or assistant clerk for the supreme judicial court for Suffolk county is receiving a salary which is greater than the salary determined pursuant to this act, 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 office for any reason, his successor in such position shall be paid in accordance with the provisions of this act.

**SECTION 4.** The chief administrative justice of the trial court, with the approval of the chief justice of the supreme judicial court, is authorized and directed to commission a professional study of the job responsibilities and compensation of the clerks and assistant clerks of the supreme judicial court for the commonwealth and of the clerks and assistant clerks of the supreme judicial court for Suffolk county. 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 chapter two hundred and eleven B of the General Laws. Not later than April first, nineteen hundred and eighty-eight, 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 supreme judicial court shall make an initial determination as provided for in sections one and two, consistent with said results and recommendations; provided, however, that notwithstanding the provisions of said sections one and two, no increase in the salaries payable to said clerks and assistant clerks shall take effect unless and until (a) it shall have been recommended in writing by the chief justice of the supreme judicial court to the house and senate committees on ways and means and (b) it shall have been included in a schedule of offices and positions filed with the house and senate committees on ways and means.

**SECTION 5.** Said clerks 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 salaries determined in accordance with section four shall be effective as of said July first.

Approved January 4, 1988.

---

**Chapter 648. AN ACT PROVIDING A NEW SALARY SCHEDULE FOR CERTAIN JUDICIAL POSITIONS IN THE COMMONWEALTH.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 14 of chapter 185 of the General Laws, as appearing in the 1986 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 in accordance with the job classification and pay plan established, subject to appropriation, by the chief administrative justice of the trial court.

**SECTION 2.** Section 9A of chapter 185C 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 salaries of the clerks and assistant clerks of the housing court department appointed under the provisions of sections nine and eleven shall be paid by the commonwealth in accordance with the job classification and pay plan established, subject to appropriation, by the chief administrative justice of the trial court.

**SECTION 3.** Section 22 of chapter 211 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 chief justice shall receive a salary of eighty-eight thousand four hundred and four dollars, and each associate justice a salary of eighty-five thousand three hundred and thirty dollars; and the chief justice and each associate justice shall annually receive from the commonwealth upon the certificate of the chief justice the amount of expenses incurred by them in the discharge of their duties.

**SECTION 4.** Said section 22 of said chapter 211 is hereby further amended by striking out the first sentence, as amended by section 3 of this act, and inserting in place thereof the following sentence:- The chief justice shall receive a salary of ninety-three thousand seven hundred and eight dollars and each associate justice a salary of ninety thousand four hundred and fifty dollars; and the chief justice and each associate justice shall annually receive from the commonwealth upon the certificate of the chief justice the amount of expenses incurred by them in the discharge of their duties.

**SECTION 5.** Section 2 of chapter 211A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The chief justice shall receive a salary of eighty-two thousand and forty-four dollars, and each associate justice a salary of seventy-eight thousand nine hundred and seventy dollars; and the chief justice and each associate justice shall annually receive from the

commonwealth upon the certificate of the chief justice the amount of expenses incurred by them in the discharge of their duties.

**SECTION 6.** Said section 2 of said chapter 211A is hereby further amended by striking out the first sentence, as amended by section 5 of this act, and inserting in place thereof the following sentence:- The chief justice shall receive a salary of eighty-six thousand nine hundred and sixty-seven dollars and each associate justice a salary of eighty-three thousand seven hundred and eight dollars; and the chief justice and each associate justice shall annually receive from the commonwealth upon the certificate of the chief justice the amount of expenses incurred by them in the discharge of their duties.

**SECTION 7.** Section 4 of chapter 211B of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the first three paragraphs and inserting in place thereof the following three paragraphs:-

The salaries of the justices of the trial court shall be paid by the commonwealth. Each associate justice shall receive as a salary seventy-five thousand eight hundred and eleven dollars.

The administrative justice of the several departments shall receive as a salary seventy-eight thousand nine hundred and seventy dollars.

The chief administrative justice shall receive as a salary eighty-two thousand and forty-four dollars.

**SECTION 8.** Said section 4 of said chapter 211B is hereby further amended by striking out the first three paragraphs, as amended by section 7 of this act, and inserting in place thereof the following three paragraphs:-

The salaries of the justices of the trial court shall be paid by the commonwealth. Each associate justice shall receive as a salary eighty thousand three hundred and sixty dollars.

The administrative justice of the several departments shall receive as a salary eighty-three thousand seven hundred and eight dollars.

The chief administrative justice shall receive as a salary eighty-six thousand nine hundred and sixty-seven dollars.

**SECTION 9.** Section 35A of chapter 217 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The salaries of the registers of the probate and family court department shall be paid by the commonwealth in accordance with the job classification and pay plan established, subject to appropriation, by the chief administrative justice of the trial court.

**SECTION 10.** Section 35B of said chapter 217, as so appearing, is hereby amended by striking out the first and second paragraphs and inserting in place thereof the following paragraph:-



The salaries of the assistant registers of the probate and family court department shall be paid by the commonwealth in accordance with the job classification and pay plan established, subject to appropriation, by the chief administrative justice of the trial court.

**SECTION 11.** Section 10 of chapter 218 of the General Laws, as so appearing, is hereby amended by striking out the thirteenth and fourteenth paragraphs 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 be paid by the commonwealth in accordance with the job classification and pay plan established, subject to appropriation, by the chief administrative justice of the trial court:

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 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 paid by the commonwealth in accordance with the job classification and pay plan established, subject to appropriation, by the chief administrative justice of the trial court.

**SECTION 12.** The first paragraph of section 53 of said chapter 218, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- The salaries of the clerks and the assistant clerks shall be paid by the commonwealth in accordance with the job classification and pay plan established, subject to appropriation, by the chief administrative justice of the trial court.

**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 salaries of the clerks and assistant clerks in the juvenile court department shall be paid by the commonwealth in accordance with the job classification and pay plan established, subject to appropriation, by the chief administrative justice of the trial court.

**SECTION 14.** 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 salaries of the clerks of the district court divisions shall be paid by the commonwealth in accordance with the job classification and pay plan established, subject to appropriation, by the chief administrative justice of the trial court.

---

**ACTS, 1987. - Chap. 649.**

**SECTION 15.** 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:-

The salaries of the assistant clerks of the district court divisions shall be paid by the commonwealth in accordance with the job classification and pay plan established, subject to appropriation, by the chief administrative justice of the trial court.

**SECTION 16.** Section 94 of chapter 221 of the General Laws, as so appearing, is hereby amended by striking out the caption SUPERIOR COURT DEPARTMENT FOR CRIMINAL BUSINESS IN THE COUNTY OF SUFFOLK.

**SECTION 17.** Said section 94 of said chapter 221 is hereby further amended by striking out the 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 paragraph:-

The salaries of all clerks and assistant clerks in the superior court department shall be paid by the commonwealth in accordance with the job classification and pay plan established, subject to appropriation, by the chief administrative justice of the trial court.

**SECTION 18.** Said section 94 of said chapter 221 is hereby further amended by striking out the caption SUPERIOR COURT DEPARTMENT FOR CIVIL BUSINESS IN THE COUNTY OF SUFFOLK, as so appearing.

**SECTION 19.** Said section 94 of said chapter 221 is hereby further amended by striking out the eight paragraphs under the caption SUPERIOR COURT DEPARTMENT FOR CIVIL BUSINESS IN THE COUNTY OF SUFFOLK, as so appearing.

**SECTION 20.** Notwithstanding any other provisions of this act, the salaries for the positions provided in sections three to eight, inclusive, of this act, in effect prior to July first, nineteen hundred and eighty-seven, shall remain in effect for a person appointed to any such position on or after July first, nineteen hundred and eighty-seven.

**SECTION 21.** Sections three, five, and seven of this act shall take effect as of July first, nineteen hundred and eighty-seven, sections four, six, and eight of this act shall take effect on July first, nineteen hundred and eighty-eight, and all other sections shall take effect upon its passage.

Approved January 4, 1988.

---

**Chapter 649. AN ACT RELATIVE TO THE APPOINTMENT OF CERTAIN COURT OFFICERS OF THE COURTS OF THE COMMONWEALTH.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 221 of the General Laws is hereby amended by striking out section 70, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 70. Subject to appropriation, the chief administrative justice may appoint for attendance upon the several sessions of the trial court such officers as he deems necessary for the efficient operation of said court.

**SECTION 2.** As of the effective date of this act, any per diem court officer, so-called, scheduled to work at least one thousand nine hundred and fifty hours in the fiscal year ending June thirtieth, nineteen hundred and eighty-eight shall be deemed to have been appointed as of said effective date under the provisions of section seventy of chapter two hundred and twenty-one of the General Laws and shall be deemed to have been permanently appointed under said section seventy upon the completion of a six-month probationary period. Any person hired subsequent to said effective date but prior to the date of passage of this act on a full-time basis, as determined by the chief administrative justice of the trial court, as a per diem court officer shall be deemed to have been appointed under said section seventy of said chapter two hundred and twenty-one, as so amended, as of the date of such hiring, and shall be deemed to have been permanently appointed under said section upon the completion of a six-month probationary period. For the purposes of determining the seniority of such officers with regard to promotion, demotion, transfer, assignment, reduction in force, recall, or removal, and for the purposes of determining the step-in-range in which such officers are to be placed in the job group to which they are allocated in the job classification and pay plan of the trial court, such officers shall be deemed to have been appointed as of the effective date of this act; provided, however, that in determining the relative seniority of two or more per diem court officers appointed pursuant to this act, seniority shall be determined from the earliest date on which such officers first began continuous service to the effective date of this act, provided that "continuous service" shall mean service as a per diem court officer of a least twelve hundred hours actually worked per fiscal year. All other matters related to the employment status and rights of such officers shall be determined by the chief administrative justice of the trial court.

**SECTION 3.** The provisions of section one shall not impair the employment status or rights in effect pursuant to section seventy of chapter two hundred and twenty-one of the General Laws or any other general or special law or rule or regulation prior to the effective date of this act for any officer serving pursuant to said section seventy prior to said effective date.

**SECTION 4.** This act shall take effect as of July first, nineteen hundred and eighty-seven.

Approved January 4, 1988.

---

**Chapter 650. AN ACT RELATIVE TO POLLUTION LIABILITY REINSURANCE.**

Be it enacted, etc., as follows:

**SECTION 1.** It is hereby found and declared that:

A. It is a necessity for Massachusetts waste treatment, storage and disposal facilities to carry pollution liability insurance. Massachusetts manufacturing companies that generate or use hazardous waste should have pollution liability insurance.

B. These businesses are unable to obtain pollution liability insurance in the commercial marketplace because of its high cost, limited coverage or unavailability.

C. The lack of pollution liability insurance will force some Massachusetts businesses to close and will make it difficult for others to hold their present employment levels or expand employment. It will also be a serious disincentive to businesses that are considering whether to relocate or remain in the commonwealth.

D. The high cost, limited coverage and unavailability of pollution liability insurance coverage will adversely affect Massachusetts employment, industrial development and the general welfare of the inhabitants of the commonwealth.

E. A need exists to promote industrial development in the commonwealth, the economic well-being of its inhabitants and a clean environment by providing additional means for obtaining pollution liability insurance.

F. The availability of affordable pollution liability insurance coverage will help to ensure industrial development, full employment and a clean environment.

G. Creation of a state reinsurance facility for pollution liability insurance will assist and encourage the availability of insurance.

H. The availability of affordable pollution liability insurance will ensure adequate protection for members of the public who have personal injury and property damage claims which result from the disposal, discharge, release or escape of pollutants.

I. It is an important function of government to assist in the development of programs that are designed to minimize the risk of future discharge, release or escape of pollutants and that ensure adequate financial resources for pollution clean-up.

J. It is, therefore, expressly declared and determined by the general court that the provisions of this act and the authority and powers conferred under this act constitute a needed program in the public

interest and serves a valid public purpose for which public money may be expended or invested.

**SECTION 2.** The General Laws are hereby amended by inserting after chapter 175F the following chapter:-

CHAPTER 175G.

THE POLLUTION LIABILITY REINSURANCE CORPORATION.

Section 1. As used in this chapter, the following words, unless the context otherwise requires, shall have the following meanings:-

"Cede", to contractually transfer, pursuant to the provisions of this chapter, all or part of the financial responsibility for pollution liability claims from an entity providing insurance or reinsurance to another reinsuring entity.

"Ceding entity" or "entity obtaining reinsurance", an entity issuing pollution liability insurance policies for which the Pollution Liability Reinsurance Corporation established herein provides reinsurance. Such entity shall be a reciprocal insurance exchange as licensed under sections ninety-four A to ninety-four M, inclusive, of chapter one hundred and seventy-five.

"Commissioner", the commissioner of insurance.

"Corporation" or "Reinsurance Corporation", the Pollution Liability Reinsurance Corporation established herein.

"Pollution liability", liability for any claim made against an insured which arises out of, relates to, or is based upon the dispersal, discharge, escape, or release of smoke, vapors, soot, fumes, acids, alkalis, toxic chemicals, liquids, gases, wastes including materials to be recycled, reconditioned or reclaimed, or any other material, irritant, contaminant or pollutant in or into the atmosphere or on, onto, upon, in or into surface or subsurface: (i) soil or land, (ii) water, waterway or watercourse, (iii) objects, (iv) tangible or intangible matter.

"Pollution liability insurance policies acceptable for reinsurance under this chapter", those policies of pollution liability insurance providing coverage for bodily injury and property damage to third parties caused by either unintended and unanticipated releases or by releases whose consequences were unintended and unanticipated, but shall not include first party clean-up costs, or the clean-up of any waste facility whether owned or operated by the insured or by a third party, even if ordered by a governmental agency, except as part of property damage liability to a third party; provided, however, that policies accepted for reinsurance by the Corporation shall contain a prevention of loss provision substantially equivalent to the following:

In the event the insured becomes aware of incidents or conditions which may result in a claim covered by this policy, it shall undertake such operations as are necessary to alleviate such incidents or conditions and shall notify the insurer within forty-eight hours of commencing such operations. If the insured fails to undertake such operations, this policy

shall not afford coverage for such claim. The insurer shall have no liability for or duty to reimburse the insured for the costs of such operations undertaken to prevent a claim covered by this policy.

In the discretion of the Corporation, pollution liability insurance policies acceptable for reinsurance under this chapter may include policies providing completed operations liability coverage for pollution clean-up contractors licensed by the department of environmental quality engineering; provided, however, that such policies shall be issued only on a job-by-job site-specific basis subject to strict underwriting standards and inspections of completed work; and, provided further, that such policies shall be limited to policies covering only claims against the insurer arising within the commonwealth and resulting from the disposal, discharge, release, or escape of materials from an insured site or an approved waste facility within the commonwealth. Claims for injuries or damage to persons or property outside the commonwealth resulting from release or escape of materials within the commonwealth will be deemed claims arising within the commonwealth. Claims for injuries or damage arising out of wastes originating within the commonwealth but shipped by, or on behalf of, an insured within the commonwealth to an approved waste facility outside the commonwealth will be deemed claims arising within the commonwealth; but in any claim seeking to recover against such an insured and others under joint and several liability, the reinsurance shall extend only to that portion of the claim bearing the same proportion to the entire claim against the insured and others claimed against that the amount of insured's waste in the site, originating in the commonwealth, and causing the injury or damage complained of, bears to the total amount of wastes causing the injury or damage complained of. Said policies shall exclude coverage related to radioactive waste facilities. Said policies shall also contain a nuclear exclusion similar to that approved by the commissioner of insurance for use by the insurance services in office in commercial general liability insurance policies.

The Pollution Liability Reinsurance Corporation established herein shall, consistent with its plan of operation and any applicable regulations of the commissioner of insurance, determine the acceptability of pollution liability policies, including the coverage definitions and terms of such policies, for purposes of providing reinsurance pursuant to this chapter.

"Reinsure" or "provide reinsurance" or "assume reinsurance", to contractually accept all or part of the financial responsibility for pollution liability claims, in exchange for the allocable premium charges, subject to the provisions of this chapter.

"Reinsurance fund", the fund established pursuant to section two.

"Waste facility", any facility operated by any person or organization for the storage, treatment, processing or disposal of waste materials. The Corporation shall require that pollution liability policies acceptable for reinsurance under this chapter shall exclude all coverage for claims arising out of or in connection with a waste facility unless such waste facility is on an approved list established by the Corporation.

Section 2. For the purpose of assuming or ceding reinsurance of pollution liability insurance policies subject to the provisions of this chapter, there is hereby created a body politic and corporate to be known as the Pollution Liability Reinsurance Corporation. The Corporation is hereby constituted a public instrumentality of the commonwealth and the exercise by the Corporation of the powers conferred in this chapter shall be deemed and held to be the performance of an important public function. The Corporation is hereby placed under the commissioner of insurance but shall not be subject to the supervision or control of said commissioner or any board, bureau, department or other agency of the commonwealth except as specifically provided in this chapter.

The Corporation shall be governed and its corporate powers exercised by a board of directors consisting of the commissioner of insurance or his designee and the commissioner of the department of environmental quality engineering or his designee who shall serve as ex officio non-voting members of the board and nine persons to be appointed by the governor, one of whom shall be a member representing consumer or environmental interests and five of whom shall be members representing employers, including two from nominees of the Associated Industries of Massachusetts.

Directors shall serve for a term of three years; provided, however, that in making the initial appointments the governor shall designate initial terms of one, two, and three years, respectively, so that as nearly as possible the terms of one-third of the members shall expire each year. Any member may be removed from the board of directors by the governor only for cause. The members shall annually elect a member of the board of directors to serve as chairman. Five members of the board shall constitute a quorum and the affirmative votes of five members shall be necessary for any action to be taken by the board of directors. Members of the board shall not be compensated but shall be reimbursed by the Corporation for reasonable expenses incurred by them in carrying out their duties as members of the board of directors.

The board shall appoint a qualified executive director and establish his salary. The executive director shall be the chief executive, administrative and operational officer of the Corporation and shall direct and supervise the administrative affairs and general management of the Corporation. The executive director shall attend meetings of the board and may, subject to the approval of the board, employ other employees, consultants, and agents, including legal counsel and advisors.

The board shall contract with one or more qualified persons or entities for services necessary for the operation and management of the Corporation. Such services shall be performed under the supervision of the executive director. At least annually, such contractor shall report to the board of directors regarding activities on behalf of the Corporation. The following shall be ineligible to contract for such services:

(i) any entity obtaining reinsurance of pollution liability policies from the Corporation;

(ii) any insurance company licensed or approved to provide, and

actually writing, pollution liability coverage within the commonwealth; and

(iii) any company or entity whose engagement by the Corporation would, in the judgment of the board, pose the appearance of reality of a conflict of interest.

The directors shall annually elect a secretary and treasurer, and may elect or appoint such other officers as they deem necessary, none of whom, except for the chairman, need be members of the board. The secretary shall keep a record of the proceedings of the Corporation and shall be custodian of all books, documents, and papers filed with the Corporation and its official seal. The secretary shall cause copies to be made of all minutes and other records and documents of the Corporation and shall certify that such copies are true copies and all persons dealing with the Corporation may rely on such certification. The treasurer shall be the chief financial and accounting officer of the Corporation and shall be in charge of its funds, books of account and accounting records.

Directors and officers who are not regular, compensated employees of the Corporation shall, except for acts of willful dishonesty or intentional violation of the law, not be liable to the commonwealth, to the Corporation or to any other person as a result of their activities, whether ministerial or discretionary, as such directors or officers. The board of directors of the Corporation may purchase liability insurance for directors, officers, employees and agents of the Corporation and may, except in cases of willful dishonesty, indemnify said persons against the claims of others.

All directors, officers, employees and agents of the Corporation having access to cash or negotiable securities shall give bond to the Corporation at its expense, in such amount and with such surety as the board may prescribe. The persons required to give bond may be included in one or more blanket or scheduled bonds.

The board shall annually approve appropriate compensation payable to its officers if such compensation is deemed necessary.

The Pollution Liability Reinsurance Corporation shall establish and maintain a fund, which shall be known as the Pollution Liability Reinsurance Fund. Revenues collected by the Pollution Liability Reinsurance Corporation shall be deposited in the reinsurance fund and shall be available for use by the Corporation for its ordinary and necessary operating expenses; for the payment of obligations arising under reinsurance contracts issued by the Corporation pursuant to this chapter; and for any other purpose authorized by this chapter.

The Corporation shall annually submit a complete and detailed report of its activities within ninety days after the end of the calendar year to the clerk of the house of representatives, to the clerk of the senate, to the governor, and to the commissioner.

The books and records of the Corporation shall be subject to an annual audit by the auditor of the commonwealth and to periodic examination at not less than three-year intervals by the commissioner of insurance. The costs of such audits and examinations shall be paid by the Corporation.



---

ACTS, 1987. – Chap. 650.

The findings of the annual audit shall be submitted to the clerk of the house of representatives, to the clerk of the senate, to the governor, and to the commissioner.

The Corporation shall be exempt from payment of all fees, premium taxes and all other taxes levied by the commonwealth or any of its subdivisions except taxes levied on real property.

Section 3. The Corporation shall have the following powers to:

- establish and amend a plan of operation subject to the approval of the commissioner;

- make, amend, and repeal by-laws, subject to the approval of the commissioner, for the management of its affairs;

- adopt an official seal;

- assume, or cede to another approved reinsurer, one hundred per cent reinsurance or a lesser percentage on any pollution liability insurance policies acceptable for reinsurance under the provisions of this chapter;

- provide separate accounts for categories and subcategories of insureds reinsured by the Corporation;

- maintain relevant loss, expense and premium data relative to all risks reinsured by the Corporation and to require each entity obtaining reinsurance to furnish statistics in connection with insurance ceded to the association at such times and in such form and detail as may be deemed necessary;

- receive and distribute all sums required by the operation of the Corporation;

- establish procedures for reviewing underwriting and claims procedures and practices of entities obtaining reinsurance and in the event that such underwriting or claims procedures or practices of any such entity are considered inadequate to properly service the risks ceded by it to the Corporation, the Corporation may establish an underwriting or claims program that will undertake to assist the entity in underwriting or claims adjustment procedures or practices, and in such event shall charge such entity a reasonable fee for establishing and operating such claim program;

- audit the operations of entities obtaining reinsurance to such extent as the board of directors determines to be necessary to assure compliance with this act, in a reasonable manner and at such reasonable time or times prescribed by the board of directors;

- sue and be sued, in its own name;

- make contracts and execute all instruments necessary or convenient for the carrying on of its business;

- acquire, own, hold, dispose of and encumber personal property of any nature or any interest therein;

- enter into agreements or transactions with any federal, state or municipal agency or other institutions;

- appear in its own behalf before boards, commissions, departments or other agencies of federal, state or municipal government;

- appoint employees, consultants, agents and advisors and prescribe their duties and fix their compensation;

procure insurance against any losses in connection with its property and its directors and officers in such amounts, and from such insurers, as may be necessary or desirable;

accept any and all donations, grants, appropriations, bequests, and devises, conditional or otherwise, of money, property, service, or other things of value which may be received from the commonwealth, the United States or any agency thereof, any other governmental agency, any institution, person, firm or corporation, public and private, to be held, used or applied for any or all the purposes specified in this act, in accordance with the terms and conditions of any such grant. Receipt of each such donation or grant shall be detailed in the annual report of the Corporation. Such report shall include the identity of the donor, the nature of the transaction and any conditions attaching thereto;

impose and collect surcharges on reinsurance premiums as provided in this chapter;

borrow funds necessary to carry out the purposes of this chapter in accordance with the plan of operation, including the loan of funds by the state treasurer as provided in section six;

invest all funds held by the Corporation in accordance with the investment policies established by the board of directors, in a manner consistent with the laws specifying legal investments for insurance companies, and to exercise all of the rights of an owner with respect to such investment, including the right to vote upon all securities;

exercise powers of a Corporation organized under chapter one hundred and fifty-six B that are necessary for operation of the reinsurance facility herein created, insofar as the possession and exercise of said powers remain consistent with this chapter.

Section 4. The Corporation shall submit to the commissioner of insurance for his approval a plan of operation addressing both the internal structure and management of the Corporation and the procedures by which the Corporation seeks to carry out the purposes of this chapter, including the promotion within the commonwealth of improved availability and affordability of pollution liability insurance.

The plan shall include criteria and procedures for acceptance and cession of reinsurance by the Corporation; underwriting standards; procedures for determining the coverage and limits of policies for which reinsurance will be accepted or ceded; criteria for the kind and terms of reinsurance that will be accepted or ceded; procedures for the initial review and continuing examination of the operations of any entity applying for or obtaining reinsurance, including such entity's surplus and overall financial resources, its rates and risk classifications, its underwriting standards, risk management and safety incentive programs, its claim adjustment procedures and other aspects of its services and administrative operations; criteria for a statistical plan for the purpose of collecting and reporting all appropriate operating data to the commissioner; and the plan shall address all other matters deemed necessary by the commissioner to carry out the purposes of this chapter.

The plan shall provide that the premium charged for reinsurance shall be the premium charged for the coverage and limits ceded, less an

appropriate expense allowance to the entity obtaining reinsurance. The expense allowance shall consist of the amounts actually incurred by the ceding entity on the ceded risk subject to a maximum of the total expense allowance provided in ratemaking for the respective categories of risk in the latest rate review or experience review accepted by the commissioner for the entity obtaining reinsurance. Policies, rates for coverage, expense allowances, and membership or subscription agreements of an entity seeking reinsurance shall be subject to review and approval by the commissioner, and such entity shall also provide to the commissioner such additional information and permit examination of such records as the commissioner may request for the purpose of demonstrating its financial responsibility. The plan shall provide reasonable procedures to assure that the rates charged by such entity are adequate and that the Corporation's premium charges for reinsurance are adequate, on the basis of reasonable actuarial projections, to cover the Corporation's liability in connection with such reinsurance.

The plan shall also include a requirement that prior to acceptance of any pollution liability insurance policies for reinsurance by the Corporation, the following findings shall be made concerning the entity obtaining reinsurance or the members insured by such entity: (i) that the entity or its members has had difficulty in obtaining sufficient or affordable pollution liability reinsurance from the private market; (ii) that obtaining reinsurance is necessary for the continued operation of the affected businesses; (iii) that the affected businesses have a positive impact on economic development and employment in the commonwealth; (iv) that the entity or its members have or will soon implement adequate measures to limit the risk of future adverse disposal, discharge, release or escape of hazardous waste and other pollutants; and, (v) that the entity or its members will undertake adequate recordkeeping to allow access to information by the Corporation to ensure compliance with all necessary conditions of the reinsurance contract.

The plan shall provide for the assumption by the Corporation of up to one hundred per cent reinsurance on any policy or contract of insurance, or binder thereon, which the Corporation determines to be a pollution liability insurance policy acceptable for reinsurance under the provisions of this chapter; which is issued by a group self-insurance plan, group captive, or a reciprocal insurance exchange licensed or approved under applicable laws of the commonwealth; and which meets the Corporation's criteria for providing reinsurance, including underwriting and risk management standards.

Within forty-five days of its submission by the board, the proposed plan shall be reviewed by the commissioner and approved or disapproved. The commissioner shall approve the plan if he finds that it fulfills the purposes of this chapter. In his review of the proposed plan the commissioner may, in his discretion, consult with the directors and any other individual or organization. If the commissioner approves the proposed plan he shall certify such approval to the directors and said plan shall take effect ten days after such certification. If the commissioner disapproves all or any part of the proposed plan of

operation, he shall return it to the directors with a statement, in writing, of the reasons for his disapproval and any recommendations he may wish to make. The directors may accept the commissioner's recommendations, or may propose a new plan, which accepted recommendations or a new plan shall be submitted to the commissioner within twenty-one days after the return of a disapproved plan to the directors. The accepted recommendations or new plan shall be reviewed by the commissioner within fourteen days. Upon approval and certification, the plan will take effect ten days thereafter.

If the directors do not submit a proposed plan of operation within the prescribed time, or upon disapproval of a proposed plan, accept the recommendations of the commissioner or submit a new plan in the prescribed time, the commissioner shall in a timely manner promulgate a plan of operation and certify same to the directors. Any such plan promulgated by the commissioner shall take effect ten days after certification to the directors.

The directors of the Corporation may, on their own initiative, amend the plan of operation at any time, subject to approval by the commissioner.

The commissioner may review the plan of operation whenever he deems expedient, and may amend said plan after consultation with the directors and upon certification to the directors of such amendment.

Section 5. Subject to the plan of operation, the Corporation shall establish and collect a percentage surcharge of up to five per cent on ordinary reinsurance charges in order to build up a supplemental special account within the Pollution Liability Reinsurance Fund. The proceeds of this account and its related investment income shall be used to discharge the Corporation's liabilities under reinsurance contracts in the event that, for any specific reporting year, the losses and related expenses exceed the Corporation's income obtained from ordinary reinsurance premium charges and investment income thereon.

When the accumulated amount in the special account, less anticipated expenditures, is expected to exceed twenty-five million dollars at the end of a calendar year, the surcharges shall be discontinued until the special account is depleted to an amount below twenty-five million dollars. Every five years, the commissioner shall determine the proper maximum accumulated amount to be kept in the special account for the next five years. This determination shall be based on, but not limited to factors including the previous experience in the operation of the special account.

In the event that for any specific reporting year the claim reserves established in the Reinsurance Fund from ordinary reinsurance charges, including reasonably related investment income, are determined with reasonable actuarial certainty to be in excess of the amounts actually required to pay claims and claim expenses, the surplus amount shall be transferred to the special account. Such determination shall be made no sooner than five years after the inception date of any reporting year.

Section 6. By July first of each year, the Corporation shall conduct a

review of its claim experience for each reporting year. In the event that for any specific reporting year the reinsurance Corporation's charges for providing reinsurance on policies subject to this chapter, determined in accordance with sound rating principles as described in section four, and the reasonable investment income thereon, including amounts available from the special account pursuant to section five are expected to be insufficient to make payments required under its reinsurance contracts with respect to such policies, the Corporation shall submit to the commissioner of insurance a report documenting the extent of such deficiency for the following calendar year. If the total amount of such reporting year deficiencies exceeds one million dollars, the Corporation shall also submit for the commissioner's review an application for a loan by the treasurer of the commonwealth in an amount sufficient to permit the Corporation to make payments required under such reinsurance contracts. Provided that if the balance in the special account has reached a level in excess of five million dollars pursuant to the provisions of section five, such loan application shall be for an amount sufficient to leave a year-end balance of five million dollars in the special account.

Within sixty days of receiving such report and loan request, and after examining such additional documentation as he may deem necessary to verify the extent of the Corporation's need, the commissioner shall certify all or a specified part of the Corporation loan's request or deny such certification. The commissioner shall have a responsibility to ensure that the Corporation's legitimate need for funds to comply with the provisions of this section are adequately recognized in his decision with respect to the loan certification.

Upon certification of its loan request, the Corporation shall present such certified application to the treasurer of the commonwealth. The treasurer is authorized and directed to loan the certified amount to the Corporation within sixty days of receipt of the certified application. Such loan shall be repayable with interest to the commonwealth under a schedule of payments agreed to by the Corporation and the treasurer. In order to repay said loans the Corporation may use funds available from the special account described in section five.

Any such loan to the Corporation shall be repaid within a term not to exceed twelve years. The aggregate amount of outstanding loans shall not exceed twenty-five million dollars. No loan shall be made under the provisions of this section after December thirty-first, two thousand and twelve unless the legislature, upon review of the study conducted pursuant to the provisions of this section, authorizes the continuation of the loan guarantees provided by this section.

No later than June thirtieth, two thousand and ten, the board of directors of the Corporation, with the agreement of the commissioner, shall select a qualified independent consultant with expertise in the fields of finance and public policy to conduct an evaluation of the commonwealth-sponsored loan guarantees authorized under the provisions of this section. Said study shall consider and make recommendations on whether the continuation of such loan guarantees

are (i) necessary or important for assuring the financial stability of the Corporation and (ii) in the best interest of the public of the commonwealth. Both the board of directors of the Corporation and the commissioner shall prepare comments on the report of the independent consultant, and shall prepare their own recommendations as to whether said loan guarantees should be extended. The report of the independent consultant, together with the responses and recommendations of the board of directors and the commissioner, shall be submitted to the clerk of the house of representatives, the clerk of the senate, and the governor no later than June thirtieth, two thousand and eleven.

Section 7. The commissioner may make, and at any time, alter or amend, reasonable rules and regulations to facilitate the operation of this chapter. The commissioner may issue such orders as he finds proper, expedient or necessary to enforce and administer the provisions of this chapter and to secure compliance with any rules or regulations made thereunder. The superior court for the county of Suffolk shall have jurisdiction upon the complaints of the commissioner and upon a summary hearing, to enforce all lawful orders of the commissioner. Memoranda of all actions, orders, findings and decisions of the commissioner shall be signed by him and filed in his office as public records open to public inspection.

Any person or company aggrieved by any action, order, finding or decision of the commissioner pursuant to this chapter may seek review of such action, order, finding or decision by the superior court for the county of Suffolk in accordance with section five A of chapter one hundred and seventy-five A.

**SECTION 3.** The Reinsurance Corporation established under the provisions of section two shall be authorized to receive any appropriation as may be authorized by the general court and approved by the governor for the specific purpose of defraying said Corporation's start-up costs in carrying out the purposes of this act. Commencing no sooner than twenty-four months after said Corporation has received such authorization, the amount authorized and paid to said Corporation shall be repayable by said Corporation to the treasury of the commonwealth, with interest, according to a schedule of installment payments established by the commissioner of insurance in consideration of said Corporation's expected accumulation of income from reinsurance charges.

**SECTION 4.** The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary to carry out the purposes of section six of chapter one hundred and seventy-five G of the General Laws, inserted by section two of this act described in section six, 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

---

**ACTS, 1987. - Chap. 651.**

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-two. Notes and interest thereon issued under the authority of this section shall be general obligations of the commonwealth, and shall be payable from the General Fund.

**SECTION 5.** To meet the expenditures necessary in carrying out the provisions of section six of chapter one hundred and seventy-five G of the General Laws, inserted by section two of this act, the state treasurer shall from time to time, upon the request of the governor, issue and sell bonds of the commonwealth to an amount specified by the governor, but not exceeding, in the aggregate, the sum of twenty-five million dollars. All bonds so issued by the commonwealth shall be designated on their face, Pollution Liability Reinsurance Corporation, Acts of 1987, and shall, in accordance with the recommendations that the governor shall submit pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, be issued for maximum terms not exceeding twenty years, and be payable not later than June thirtieth, two thousand and seventeen. All interest and payments on account of principal of such obligations shall be payable from the General Fund. Bonds issued under the authority of this section and the interest thereon shall be general obligations of the commonwealth.

**SECTION 6.** The governor shall appoint the members of the board of directors of the Pollution Liability Reinsurance Corporation and said board shall organize within forty-five days of the effective date of this act. The plan of operation required by section four of chapter one hundred and seventy-five G of the General Laws inserted by section two of this act shall be submitted to the commissioner of insurance for his approval within one hundred days of the effective date of this act.

**SECTION 7.** This act shall take effect upon its passage.

Approved January 4, 1988.

---

**Chapter 651. AN ACT PROVIDING FOR UNIFORMITY IN GENERAL RELIEF GRANTS.**

Be it enacted, etc., as follows:

The first paragraph of section 1 of chapter 117 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following sentence:- The standard of assistance for all applicants and recipients who incur any shelter costs shall be the same, adjusted for household size.

Approved January 4, 1988.

**Chapter 652. AN ACT RELATIVE TO THE GREATER NEW BEDFORD REGIONAL REFUSE MANAGEMENT DISTRICT.**

Be it enacted, etc., as follows:

**SECTION 1.** Indebtedness incurred by the Greater New Bedford Regional Refuse Management District for regional refuse disposal facilities shall be subject to the applicable provisions of chapter forty-four of the General Laws, except that the maturities of bonds or notes issued by said district either shall be arranged so that for each issue the annual combined payments of principal and interest payable in each year shall be as nearly equal as practicable in the opinion of the regional refuse disposal district committee, or shall be arranged in accordance with a schedule providing for a more rapid amortization of principal, provided that such annual payments need not commence earlier than one year after the date of commencing regular use of the facilities, as projected or determined by said district committee. Project costs to be financed by the issuance of bonds or notes may include interest on such borrowing, including interest on notes issued in anticipation of federal or state aid, for a period of up to six months after the date so projected or determined for commencement of regular use of the facilities financed by the bonds or notes. Each member municipality's apportioned share of principal and interest on bonds or notes issued by the district shall be exempt from the provisions of section twenty-one C of chapter fifty-nine of the General Laws.

**SECTION 2.** The Greater New Bedford Regional Refuse Management District may, in order to perform its functions, enter into any service agreement, including a service agreement under the provisions of subsection (g) of section twenty-one of chapter forty D of the General Laws, with any party such that said party shall be obligated to provide a facility for solid waste disposal or resource recovery, or both, or to provide solid waste disposal services; establish a system of user fees based on actual, projected, approximate or estimated use of the facilities or services provided by it or on such other basis as will equitably allocate the cost of the facilities or service among the users or categories of users thereof, provided that the collection of user fees shall be taken into account in the preparation of the annual district budget; and create and maintain, from bond proceeds or other sources of funds, such reserve, replacement, maintenance and improvement funds in connection with any capital project funded by bonds as it may deem necessary and prudent to enable it to carry out its functions in an orderly fashion, provided, however, that the aggregate of such funds provided from bond proceeds for any one project shall not exceed ten per cent of the principal amount of bonds issued for such project.

**SECTION 3.** The regional refuse disposal district committee of the Greater New Bedford Regional Refuse Management District may by a majority vote of its entire membership amend its agreement to change



---

**ACTS, 1987. - Chap. 653.**

the various dates set forth in section IV of the agreement for the preparation, adoption and certification of the district's annual operating and maintenance budget.

Notwithstanding any provision of section forty-four H of chapter forty of the General Laws to the contrary, such amendment may provide that the amounts apportioned to each member municipality to meet said budget shall be certified to the treasurer of each member municipality by a date not later than the February first immediately preceding the fiscal year to which said budget relates. Such amendment shall have the same force and effect as if it had been adopted in accordance with the amendment procedure contained in said agreement.

**SECTION 4.** This act shall take effect upon acceptance by both the city council of the city of New Bedford and the town meeting of the town of Dartmouth.

Approved January 4, 1988.

---

**Chapter 653. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN PARCEL OF LAND IN THE CITY OF MELROSE.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter seven hundred and twenty-three of the acts of nineteen hundred and eighty-five is hereby repealed.

**SECTION 2.** 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 all right, title and interest in land located in the city of Melrose currently under the control of the metropolitan district commission, said land being bounded and described as follows:

Beginning at the Westerly intersection of Batchelder Street and Lynn Fells Parkway; thence

S 41°-58'-26"W By land of Townen, a distance of fifty-two and six hundredths (52.06) feet; thence

N 49°-59'-27"W By part of Lot 11, a distance of ninety and nineteen hundredths (90.19) feet; thence

S 85°-35'-57"E By Lynn Fells Parkway a distance of ninety-one and twenty-three hundredths (91.23) feet; thence

S 46°-29'-00"E By Lynn Fells Parkway a distance of seventeen and eighty-three hundredths (17.83) feet to the Point of Beginning.

The above described Parcel of Land contains an area of 2,859 square feet, and is more particularly shown as Lot A on a Plan by Medford Engineering and Survey dated October 22, 1986.

Said conveyance shall be under such additional terms and conditions as

---

**ACTS, 1987. – Chap. 654.**

prescribed by the division of capital planning and operations in consultation with the metropolitan district commission.

Approved January 4, 1988.

---

**Chapter 654. AN ACT RELATIVE TO THE OFFICE OF THE INSPECTOR GENERAL.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 1 of chapter 12A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the definition of "Supplies" and inserting in place thereof the following definition:-

"Supplies", all property, including but not limited to equipment, materials, printing, insurance, and real property.

**SECTION 2.** Section 7 of said chapter 12A, as so appearing, is hereby amended by striking out, in line 3, the word "in" and inserting in place thereof the words:- or relating to.

**SECTION 3.** Said chapter 12A is hereby further amended by striking out section 8, as so appearing, and inserting in place thereof the following section:-

Section 8. The inspector general may supervise, coordinate and conduct audits and investigations, when necessary, relating to programs and operations described in section seven. He shall review legislation and regulations relating to programs and operations described in said section seven and shall make recommendations concerning the effect of such legislation or regulation on the prevention and detection of fraud, waste and abuse. He may recommend policies which will assist in the prevention or detection of fraud, waste and abuse. The person in charge of, or the governing body of any public body described in said section seven, may request the assistance of the office of inspector general with respect to implementation of any suggested policy. In that event the inspector general may assign personnel to conduct, supervise, or coordinate such activity. He may recommend policies for the conduct, supervision or coordination of relationships between state and county agencies and other state and local government agencies and federal agencies and nongovernmental entities with respect to all matters relating to the prevention and detection of fraud, waste and abuse in or relating to programs and activities described in said section seven.

**SECTION 4.** Section 9 of said chapter 12A, as so appearing, is hereby amended by striking out the first four paragraphs and inserting in place thereof the following four paragraphs:-

The inspector general in carrying out the provisions of this chapter

shall have access to all records, reports, audits, reviews, papers, books, documents, recommendations, correspondence, including information relative to the purchase of services or anticipated purchase of services from any contractor by any public body, and any other data and material that is maintained by or available to any public body described in section seven which in any way relate to the programs and operations with respect to which the inspector general has duties and responsibilities except records under the provisions of section eighteen of chapter sixty-six as defined in section three of said chapter sixty-six.

He may request such information, cooperation and assistance from any state, county or local governmental agency as may be necessary for carrying out his duties and responsibilities. Upon receipt of such request each person in charge of, or the governing body of any public body described in section seven, shall furnish to the inspector general or his authorized agent or representative such information, cooperation and assistance, including information relative to the purchase of services or anticipated purchase of services from any contractor by any public body, except records under the provisions of section eighteen of chapter sixty-six as defined in section three of said chapter sixty-six.

He may make such investigations, audits and reports relating to the administration of the programs and operations of the applicable public bodies described in section seven, as are in the judgment of the inspector general necessary and may conduct an examination of any public documents.

He shall have direct and prompt access to the head of any public body described in section seven, when necessary for any purpose pertaining to the performance of his duties and responsibilities under this chapter.

**SECTION 5.** Section 14 of said chapter 12A, as so appearing, is hereby amended by striking out paragraph (a) and inserting in place thereof the following paragraph:–

(a) The inspector general may receive and investigate complaints or information from any public employee concerning the possible existence of any activity constituting fraud, waste and abuse in or relating to programs and operations as described in section seven.

Approved January 4, 1988.

---

**Chapter 655. AN ACT RELATIVE TO DISCHARGE PLANNING.**

Be it enacted, etc., as follows:

Section 51D of chapter 111 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the ninth paragraph the following ten paragraphs:–

Each acute care hospital is hereby required, in accordance with applicable federal and state regulations, to create for each medicare patient determined to need assistance with post-hospital care, a written

comprehensive, individualized, discharge plan consistent with medical discharge orders and identified patient needs. Said plan shall be developed with the participation of appropriate health care professionals, the medicare patient and, as appropriate, the patient's family or representative. The patient's representative shall be selected in accordance with department regulations. The discharge plan shall be given to the patient or the patient's representative at least twenty-four hours prior to discharge, except where such a requirement is not feasible due to a short length of stay. If said plan is revised due to the medical needs of the patient or due to a space becoming available in an appropriate institutional setting, the twenty-four hour requirement shall not apply to the amended plan, except insofar as such timing relates to the filing of a request for review with the advocacy office as hereinafter provided.

The discharge plan shall include at least the following information:

- (1) identification of the post-hospital services needed by the patient, including home health and homemaker services, and of the post-hospital social needs of the patient, as determined in accordance with procedures set forth by the department;
- (2) the services that have been arranged for the patient;
- (3) the names, addresses, and telephone numbers of service providers;
- (4) the service schedule as requested by the hospital;
- (5) medications prescribed and instructions for their use or verification that such information was provided separately;
- (6) scheduled follow-up medical appointments or verification that such information was provided separately; and
- (7) such other information as the department may require.

Each hospital shall have a clear, concise front page on the discharge plan, which front page shall be written in large print and understandable language. The front page shall contain at least the following:

- (1) the name and telephone number of the hospital discharge planning coordinator to be contacted in the event the patient has any problems with post-hospital services after said patient leaves the hospital;
- (2) a notice that, in the event the patient or the patient's representative does not agree with the discharge plan, the discharge planning coordinator and the patient's physician shall meet with the patient or the patient's representative in an effort to develop a plan that is acceptable to the patient;
- (3) a notice, including the advocacy office telephone number, that, if an acceptable resolution is not reached as a result of the meeting provided for in clause (2), the patient or the patient's representative may file a request for review of the discharge plan with the advocacy office, as hereinafter provided;
- (4) a notice that signing the discharge plan does not necessarily indicate approval of the plan and does not preclude the right to request a meeting or a review pursuant to clauses (2) and (3); and
- (5) a signature line for the patient or the patient's representative acknowledging participation in the development of the discharge plan and receipt of a copy of said plan.

If the patient or the patient's representative does not sign the plan, the reason for not signing shall be noted on the plan. A signed or noted copy of the plan shall be retained in the patient's medical record. The patient's medical record shall also document that said plan was communicated orally to the patient or to the patient's representative.

No hospital may discharge a medicare patient without the patient or patient's representative having received, read and signed the front page of the discharge plan or upon decision of the advocacy office.

If a discharge plan cannot be agreed upon as a result of the meeting of the patient or the patient's representative, the discharge planning coordinator and the patient's physician, as provided for in this section, the patient or the patient's representative shall have the right to file a request for a review of said discharge plan with the department's advocacy office. The hospital also shall have the right to file a request for a review of said discharge. A request for review shall be made with the advocacy office not later than noon of the first working day after the date the patient or the patient's representative receives the written discharge plan. The hospital shall deliver to the advocacy office the records required to review the discharge plan by the close of such working day. The advocacy office shall either approve or disapprove the discharge plan within one working day of receiving the request for review and the hospital records. Said discharge plan shall not be approved unless the requirements set forth herein have been satisfied.

If the advocacy office approves the discharge plan, discharge shall occur pursuant to the approved plan by noon of the day following notification of the advocacy office's decision, unless hospital and patient agree otherwise. If the advocacy office does not approve the discharge plan, said office shall state the problems needing correction, and the hospital shall not charge the medicare patient for inpatient hospital services until an alternative plan is developed to resolve the problems set forth by the advocacy office. The requirements of this section relating to the initial discharge also shall apply to the alternative plan.

If a timely request for review has been filed with the advocacy office, the hospital shall not charge the medicare patient for inpatient hospital services furnished before noon of the day after said patient is notified by telephone or otherwise of the advocacy office's decision. If notice is made by telephone, the notice shall be made to both parties to the review and shall be followed by written notice as soon as possible.

No patient shall be discharged or transferred without a physician's order, except where such patient leaves against medical advice. No patient shall be discharged until the hospital has made all appropriate contacts to initiate the provisions for aftercare services.

A medicare patient treated at the emergency room of an acute care hospital shall be provided with a discharge plan in accordance with the requirements of this section, with the exception of the right to request a review of such discharge plan by the advocacy office prior to such discharge.

Approved January 4, 1988.

**Chapter 656. AN ACT REVISING THE PROCEDURES FOR THE COMMISSION ON JUDICIAL CONDUCT.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 211C of the General Laws is hereby amended by striking out sections 1 to 3, inclusive, as appearing in the 1986 Official Edition, and inserting in place thereof the following three sections:-

Section 1. There shall be a commission on judicial conduct consisting of nine members. Three judges shall be appointed by the justices of the supreme judicial court, none of whom shall be justices of said court and no two of whom shall be from the same department of the trial court. Three members of the bar shall be appointed by the chief administrative justice of the trial court, none of whom shall be judges. Three members shall be appointed by the governor, none of whom shall be members of the bar. The members of the commission shall serve without compensation, but shall be reimbursed for all expenses reasonably incurred by them in the performance of their duties. Members of the commission shall serve for six year terms. Commission membership shall terminate if a member ceases to be qualified for the appointment. A vacancy shall be filled by the appointing authority for the remainder of the term. Upon the expiration of the term of office of a member, his successor shall be appointed in the manner aforesaid. No person shall succeed himself as a member of the commission except when his membership is due to an appointment to fill a vacancy for the remainder of an unexpired term. One or more alternate members, as necessary, shall be selected in the manner prescribed for initial appointments in each representative class, and shall serve at the call of the chairman to take the place of those who are disqualified from participating in a commission proceeding pursuant to commission rules.

Section 2. (1) All judges of the trial court, the appeals court and the supreme judicial court shall be subject to discipline pursuant to this chapter. The commission on judicial conduct shall have the authority to receive information, investigate, conduct hearings, and make recommendations to the supreme judicial court concerning allegations of judicial misconduct and allegations of mental or physical disability affecting a judge's performance.

(2) The commission shall have jurisdiction over investigations and recommendations regarding discipline arising from the conduct of all judges, including any retired judge who is assigned to perform the duties of a judge for a temporary period. This jurisdiction shall include all conduct that occurred prior to a judge's assuming judicial office, and conduct of a lawyer who is no longer a judge that occurred while he held judicial office; provided, however, that in evaluating such conduct, the commission shall give substantial weight to relevant decisions of the supreme judicial court and the board of bar overseers regarding bar discipline. The foregoing shall not be construed to derogate the inherent authority of the supreme judicial court to supervise and discipline judges, the authority of the governor with the consent of the council

to remove a judge upon the address of both houses of the legislature or to retire a judge involuntarily because of advanced age or mental or physical disability, the authority of the legislature to remove a judge through impeachment, or the supervisory authority of the chief justices of the appeals and supreme judicial courts or of the chief and department administrative justices of the trial court.

(3) Except where the commission determines otherwise for good cause, the commission shall not deal with complaints arising out of acts or omissions occurring more than one year prior to the date commission proceedings are initiated pursuant to section five; provided, however, that, when the last episode of an alleged pattern of recurring judicial conduct arises within the one year period, the commission may consider all prior acts or omissions related to such alleged pattern of conduct.

(4) In the absence of fraud, corrupt motive, bad faith, or clear indication that the judge's conduct violates the code of judicial conduct, the commission shall not take action against a judge for making findings of fact, reaching a legal conclusion, or applying the law as he understands it. Commission proceedings shall not be a substitute for an appeal.

(5) Grounds for discipline shall include:

(a) conviction of a felony;

(b) willful misconduct in office;

(c) willful misconduct which, although not related to judicial duties, brings the judicial office into disrepute;

(d) conduct prejudicial to the administration of justice or conduct unbecoming a judicial officer, whether conduct in office or outside of judicial duties, that brings the judicial office into disrepute; or

(e) any conduct that constitutes a violation of the codes of judicial conduct or professional responsibility.

Section 3. (1) The commission shall report only to the supreme judicial court. The commission shall be allowed for its purposes annually such amount as shall be appropriated for it by the general court. The commission shall be provided with adequate offices. The commission may adopt rules of procedure, without compliance with the provisions of chapter thirty A, but subject to the approval of the supreme judicial court, and may develop appropriate forms for its proceedings. Such rules shall establish reasonable time limits for all stages of commission proceedings and standards for extending time limits applicable to commission proceedings.

(2) Members of the commission, hearing officers, commission counsel, and staff shall be absolutely immune from suit for all conduct in the course of their official duties. A complaint submitted to the commission or its staff and communications related to the complaint shall be absolutely privileged, and no civil action predicated on the complaint or on such a communication may be instituted against any complainant or witness or his counsel; provided, however, such immunity from suit shall apply only to communications to the commission or its staff and shall not apply to public disclosure of information contained in or relating to the complaint.

(3) The commission shall appoint an executive director who shall serve at the pleasure of the commission. The executive director shall be a member of the Massachusetts bar, shall serve full time, and shall not engage in the practice of law. The executive director shall receive an annual salary, subject to appropriation, which is fixed by the commission consistent with classification and compensation policies of the supreme judicial court, and such expenses as are approved by the commission and incurred in the discharge of the executive director's duties.

(4) The executive director shall have duties and responsibilities as prescribed by the commission, including the authority to:

- (a) receive information, allegations, and complaints;
- (b) make preliminary evaluations;
- (c) screen complaints;
- (d) conduct investigations;
- (e) recommend dispositions;
- (f) maintain the commission's records;
- (g) maintain statistics concerning the operation of the commission and make them available to the commission and to the supreme judicial court;
- (h) prepare the commission's budget for approval by the commission and administer its funds;
- (i) employ and supervise other members of the commission's staff;
- (j) prepare the annual report of the commission's activities required pursuant to section four; and
- (k) employ, with the approval of the commission and subject to appropriation, special counsel, private investigators, or other experts, and clerical assistants, as necessary to investigate and process matters before the commission and before the supreme judicial court. Neither the attorney general's staff nor law enforcement officers shall be employed for this purpose.

(5) The supreme judicial court may delegate the power to enforce process in commission proceedings to another appropriate court. A witness at any stage of commission proceedings may rely on any privilege applicable to civil proceedings.

**SECTION 2.** Said chapter 211C is hereby further amended by adding the following seven sections:–

Section 5. (1) Commission proceedings relating to the conduct of a judge may be initiated by an oral or written complaint stating facts that, if true, would be grounds for discipline, or by the commission's own motion when the commission receives reasonable information, including reports in the news media, as to conduct that appears to constitute grounds for discipline. Upon receipt of such complaint or adoption of such motion, the commission shall promptly notify the judge, except as provided in subdivision (2), and shall conduct a prompt, discreet and confidential inquiry, investigation and evaluation.

(2) The commission shall notify the judge of the proceedings and their subject matter before commencing any inquiry, investigation or evaluation in all cases except as follows:

- (a) where, because of the nature of the complaint, delay is necessary



in order to preserve evidence, notice may be delayed until such evidence is obtained, until the matter is dismissed, or until the sworn complaint or statement of allegations is served pursuant to subdivision (6), whichever occurs first;

(b) where the identity of the complainant could be readily determined by the judge from the nature of the complaint and there is a danger of reprisal against the complainant, notice may be delayed until the danger of reprisal ends, until the matter is dismissed, or until the sworn complaint or statement of allegations is served pursuant to subdivision (6), whichever occurs first; provided, however, that in any such case where there is an ongoing danger of reprisal, the notice and the statement of allegations may be drafted so as to conceal the complainant's identity.

(3) The commission shall discourage and shall promptly dismiss complaints which are frivolous, unfounded or outside commission jurisdiction. The commission shall notify the judge and the complainant, if any, of such dismissal in accordance with the provisions of subdivisions (1), (2) and (10).

(4) At any stage of the proceeding, the commission shall be entitled within the time limits established by commission rule to compel by subpoena the attendance and testimony of witnesses, including the judge, and to provide for the inspection of documents, books, accounts, and other records.

(5) After a thorough inquiry, investigation and evaluation, the executive director shall recommend to the commission, and the commission shall determine, by majority vote, whether there is adequate reason to proceed to the preparation of a detailed complaint or statement of allegations. If so, the commission shall request that the complainant file a detailed sworn complaint against the judge. When a sworn complaint is not obtained, the executive director shall prepare a clear statement of the allegations against the judge and the alleged facts forming their basis. Said complaint or statement of allegations shall clearly set forth each act of misconduct where more than one act of misconduct is alleged, and shall state clearly the provision of statute, code of judicial conduct or code of professional responsibility alleged to have been violated by each alleged act of misconduct.

(6) The judge shall be served promptly with a copy of the sworn complaint or statement of allegations.

(7) The judge shall have twenty-one days after receipt of the sworn complaint or statement of allegations to respond in writing to the charges and, if he wishes, to file a written request for a personal appearance before the commission.

(8) The judge shall be entitled to counsel of his own choice. After the judge is served with the sworn complaint or statement of allegations, he shall be entitled before the issuance of formal charges and within the time limits established by commission rule to compel by subpoena the attendance and testimony of witnesses through depositions, and to provide for the inspection of documents, books, accounts, written or electronically recorded statements, and other records. The judge may

file written material for commission consideration before the issuance of formal charges.

(9) If the judge requests a personal appearance before the commission, he may be accompanied by counsel, his statement and that of his counsel shall be recorded, and the commission shall not issue formal charges until after such personal appearance.

(10) If at any time prior to the issuance of formal charges the commission determines that it does not have sufficient cause to proceed, the commission shall terminate the proceedings by closing the investigation or dismissing the complaint or the statement of allegations. In that event, the commission shall give notice to the complainant, if any, and to the judge that it has found insufficient cause to proceed. The file in any matter so terminated shall be closed.

(11) The commission may not refer subsequently to a file closed before the issuance of formal charges except in the following circumstances:

(a) in a subsequent proceeding that raises similar allegations against the judge and indicates a pattern of recurring judicial misconduct;

(b) in a subsequent proceeding alleging conduct in violation of conditions imposed as part of an informal adjustment pursuant to subdivision (1) of section eight;

(c) in connection with a decision as to the recommended sanction to be imposed in a subsequent proceeding.

(12) The commission may, upon notice to the judge, amend the allegations prior to a finding of sufficient cause to issue formal charges. The judge may amend his written response or submit additional written material for commission consideration before such finding.

(13) After the judge's personal appearance pursuant to subdivision (9), if any, and after the expiration of any time limit upon written submissions by the judge pursuant to subdivisions (8) and (12), the commission shall determine whether there is sufficient cause to issue formal charges. A finding of sufficient cause to issue formal charges shall require the concurrence of the majority of all commission members that there is a preponderance of credible evidence that the judge's conduct constitutes grounds for discipline.

(14) When sufficient cause is found, the commission shall issue formal charges stating those allegations as to which sufficient cause is found. A copy of the formal statement of charges shall be served promptly upon the judge and the judge shall have ten days to respond. Immediately thereafter, a copy of such formal statement of charges and of the judge's written response shall be filed with the supreme judicial court, which shall promptly appoint a hearing officer. Confidentiality shall cease upon this filing, as provided in section six, and after this filing the proceedings shall be governed by the provisions of section seven.

Section 6. (1) Except as provided in this section, all proceedings of the commission shall be confidential until there has been a determination of sufficient cause and formal charges have been filed with the supreme judicial court. The commission shall ensure that a procedure applicable to commission members, counsel and staff is established for enforcing confidentiality.

(2) Notwithstanding the provisions of subdivision (1), the judge may waive his right to confidentiality prior to a finding of sufficient cause. In addition, in any case in which the subject matter becomes public, through independent sources or through a waiver of confidentiality by the judge, the commission may issue such statements as it deems appropriate in order to confirm the pendency of the investigation, to clarify the procedural aspects of the disciplinary proceedings, to explain the right of the judge to a fair hearing without prejudgment, or to state that the judge denies the allegations.

(3) If the inquiry was initiated as a result of notoriety or because of conduct that is a matter of public record, and is subsequently terminated because there is insufficient cause to proceed, information concerning the insufficiency of cause to proceed may be released by the commission.

(4) Notwithstanding any other provision of this chapter to the contrary, proceedings pursuant to this chapter may remain confidential, even after a finding of sufficient cause, if the judge, the commission, and the complainant, if any, all concur.

(5) If any federal agency, the judicial nominating council, or any like agency for screening candidates for judicial appointment which succeeds the judicial nominating council, seeks information or written materials from the commission concerning a judge, in connection with his selection or appointment as a judge, information may be divulged in accordance with procedures prescribed by commission rule, including reasonable notice to the judge affected, unless the judge signs a waiver of the right to such notice. If, in connection with the assignment of a retired judge to judicial duties, the chief justice of the supreme judicial court or the appeals court or the chief administrative justice of the trial court seeks information or written materials from the commission about the judge, information may be divulged in accordance with procedures prescribed by commission rule, including reasonable notice to the judge affected, unless the judge signs a waiver of the right to such notice.

Section 7. (1) The commission shall schedule a hearing without undue delay after the appointment of the hearing officer by the supreme judicial court. The commission shall schedule the time and place of the hearing, and shall notify the judge and all counsel of the hearing. The judge shall be afforded ample opportunity to prepare for the hearing and may amend his written response to the charges.

(2) The judge and the commission shall each be entitled to discovery to the extent available in civil proceedings, within the time limits provided by commission rules. The judge and the commission shall each be entitled to compel by subpoena the attendance and testimony of witnesses, including the judge, and to provide for the inspection of documents, books, accounts, and other records.

(3) The formal hearing shall be public and shall be conducted before the hearing officer appointed by the supreme judicial court. At the hearing, all testimony shall be under oath, the rules of evidence applicable to civil proceedings shall apply, and the judge shall be accorded due process of law.

(4) An attorney or attorneys of the commission staff, or special

counsel retained for the purpose, shall present the matter to the hearing officer. The commission shall have the burden of proving the charges by clear and convincing evidence. The judge and the commission shall be permitted to present evidence and cross-examine witnesses, subject to the rules of evidence applicable to civil proceedings.

(5) The raising of mental or physical condition as a defense constitutes a waiver of medical privilege.

(6) By leave of the commission or with the consent of the judge, the statement of charges may be amended after commencement of the hearing only if the amendment is technical in nature and the judge and his counsel are given adequate time to prepare a response.

(7) Every hearing shall be transcribed.

(8) The hearing officer shall submit to the commission and to the judge a report containing proposed findings and recommendations, the transcripts of testimony and all exhibits. Counsel for the judge and commission shall have twenty days after receipt of such report to submit written objections to the findings and recommendations, and said objections shall become part of the record.

(9) Before the commission reaches its decision, the judge and the complainant, if any, shall have the right to be heard before the commission regarding its recommendation for discipline, and their statements shall be transcribed. Such hearing shall be public, but commission deliberations regarding such recommendation shall be conducted in executive session. The commission shall reach a decision on the basis of the full record within ninety days after such hearing, unless there is good cause for delay. Its conclusions may differ from those proposed by the hearing officer. Its decision shall state specific reasons for all conclusions and recommendations.

(10) A recommendation for discipline shall be reported to the supreme judicial court only if a majority of all members of the commission concur that discipline should be recommended. Any dissent as to the need for or the form of discipline shall be transmitted with the majority decision. A copy of said recommendation and dissent shall be given to the judge and shall become part of the public record. The entire record, including transcripts, exhibits and the hearing officer's report, shall be transmitted to the supreme judicial court.

(11) If a majority of the members of the commission concur that discipline should not be recommended, the matter shall be dismissed, and the judge and complainant, if any, shall be notified of such dismissal.

(12) The provisions of subdivisions (10) and (11) shall not be construed to prohibit the commission from disposing of the matter by informal adjustment pursuant to section eight as a result of commission deliberations regarding a recommendation for discipline.

(13) The expense of witnesses shall be borne by the party that calls them unless:

(a) physical or mental disability of the judge is in issue, in which case the commission shall reimburse the judge for the reasonable expenses of the witnesses whose testimony related to the disability; or

(b) the supreme judicial court determines that the imposition of costs and expert witness fees will work a financial hardship or injustice upon

him and orders that those fees be reimbursed.

(14) All witnesses shall receive fees and expenses in the same manner as witnesses in civil actions before the courts. A transcript of all proceedings shall be provided to the judge without cost. Except as provided in subdivision (13), costs of all proceedings shall be at public expense.

(15) With the approval of the supreme judicial court, a judge shall be entitled to the payment of reasonable attorneys' fees by the commonwealth in any case where the matter is dismissed by the commission at any stage after the filing of a sworn complaint or statement of charges, where the supreme judicial court determines despite a commission recommendation for discipline that no sanction is justified, or where the supreme judicial court determines that justice will be served by the payment of such fees.

Section 8. (1) With the agreement of the judge, the commission may by informal adjustment dispose of a complaint at any stage of the proceedings by:

(a) informing or admonishing the judge that his conduct is or may be cause for discipline;

(b) directing professional counseling and assistance for the judge;

(c) imposing conditions on the judge's conduct; or

(d) persuading a judge to retire voluntarily.

(2) The commission may dismiss a sworn complaint, a statement of allegations or a formal statement of charges as unjustified or unfounded at any stage during the proceedings.

(3) The commission may issue a private reprimand with the consent of the judge.

(4) The commission may recommend to the supreme judicial court one or more of the following sanctions:

(a) removal;

(b) retirement;

(c) imposition of discipline as an attorney;

(d) imposition of limitations or conditions on the performance of judicial duties;

(e) public or private reprimand or censure;

(f) imposition of a fine;

(g) assessment of costs and expenses;

(h) imposition of any other sanction which is reasonable and lawful.

Section 9. The chief justice and the six most senior justices of the appeals court other than the chief justice shall serve in the place of the supreme judicial court when charges are brought against a member of the supreme judicial court.

Section 10. (1) The commission shall have authority to receive information, investigate, conduct hearings, and make recommendations to the court relating to mental or physical disability affecting a judge's performance.

(2) In carrying out its responsibilities regarding physical or mental disabilities, the commission shall follow the same procedures that it employs with respect to discipline for misconduct.

---

**ACTS, 1987. – Chap. 657.**

(3) If the judge in a matter relating to physical or mental disability is not represented by counsel, the commission shall appoint an attorney to represent him at public expense.

(4) If a complaint involves the physical or mental condition of the judge, a denial of the alleged condition shall constitute a waiver of medical privilege and the judge shall be required to produce his medical records.

(5) If medical privilege is waived, the judge shall be deemed to have consented to a physical or mental examination by a qualified medical practitioner designated by the commission. The report of the medical practitioner shall be furnished to the commission and the judge.

Section 11. The supreme judicial court may establish an advisory committee on the code of judicial conduct, which may render advisory opinions to judges at their request or on its own motion.

**SECTION 3.** Notwithstanding the provisions of section one of this act, the members of the judicial conduct commission as of the effective date of said section one shall serve out the three year terms to which they were appointed, and thereupon their successors shall be appointed to six year terms except as follows: in nineteen hundred and eighty-eight, members shall be appointed to four year terms, and in nineteen hundred and eighty-nine, members shall be appointed to five year terms.

**SECTION 4.** The provisions of sections two and three of chapter two hundred and eleven C of the General Laws, inserted by section one of this act, shall take effect on April first, nineteen hundred and eighty-eight and shall apply to proceedings initiated before the judicial conduct commission by the filing of a complaint or by the adoption of a commission motion on or after such effective date.

Proceedings initiated before said effective date shall be governed by the provisions of chapter two hundred and eleven C of the General Laws which are in effect prior to said effective date and by the rules of the judicial conduct commission in effect prior to said effective date.

Approved January 4, 1988.

---

**Chapter 657. AN ACT DIRECTING THE RETIREMENT BOARD OF THE CITY OF LAWRENCE TO PAY A CERTAIN SUM OF MONEY TO JOHN M. HALE.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of chapter thirty-two of the General Laws, or of any other general or special law to the contrary, and in order to fulfill a moral obligation, the retirement board of the city of Lawrence is hereby authorized and directed to pay to John M. Hale, in one sum, an amount equal to the accumulated regular deductions paid by him into the annuity savings fund of the retirement system of said city,

---

**ACTS, 1987. – Chaps. 658, 659.**

together with regular interest as shall have accrued thereon in accordance with the provisions of section eleven and twenty-two of said chapter thirty-two. Payment of said amount to said John M. Hale shall be in the alternative to and exclusive of any other benefit, allowance, pension or other payment to said John M. Hale from, or on account of service rendered to or of compensation received while a member of, said retirement system.

Approved January 4, 1988.

---

**Chapter 658. AN ACT RELATIVE TO THE CLASSIFICATION OF A CERTAIN EMPLOYEE OF THE TOWN OF NANTUCKET IN THE RETIREMENT SYSTEM.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law or rule to the contrary, George J. Rezendes, an employee of the town of Nantucket shall be classified in Group 4 of paragraph (g) of subdivision (2) of section 3 of chapter thirty-two of the General Laws.

Approved January 4, 1988.

---

**Chapter 659. AN ACT AUTHORIZING THE CITY OF NEWTON TO UTILIZE A CERTAIN PARCEL OF LAND FOR THE SITE OF A MUNICIPAL LIBRARY AND PARKING.**

Be it enacted, etc., as follows:

The city of Newton is hereby authorized to utilize a certain parcel of land for a municipal library and parking. Said land is bounded and described as follows:-

COMMENCING at a point on the westerly side of Walnut Street, said point being northeast corner of lands of the City of New Cemetery - said point being 279.70 ft. southerly from a curve into Homer Street;

THENCE running north 12-19-28 east along said westerly sideline of Walnut Street, 279.70 ft. to a point of curvature of a curve to the left into Homer Street, having a radius of 29.83 ft.;

THENCE running in a generally northwesterly direction along said curve to the left having a radius of 29.83 ft., a length of 41.61 ft. to the end of this curve at a point on the southerly sideline of Homer Street;

THENCE running north 67-36-20 west along said southerly sideline of Homer Street 565.52 ft. to a point at lands of Boston Edison;

THENCE running south 40-47-46 west along said lands of Boston Edison, 145.02 ft. to a point;

THENCE running south 42-38-20 west, continuing along lands of Boston Edison 173.09 ft. to a point at the lands of the City of Newton Cemetery;

---

**ACTS, 1987. - Chap. 660.**

THENCE running south 67-36-20 east, 749.48 ft. to a point of commencement on Walnut Street.

This parcel contains 4.588 acres and is subject to all easements as shown on Plan of Land in Newton, Massachusetts prepared for Tappe and Coleman, McKinnel and Wood, Architect, Inc., dated August 13, 1986 by Linenthal Eisenberg Andersen, Inc., Boston, Massachusetts, and it contains a former Coleman Road as shown on said plan.

Being all that property shown on a plan entitled "Private Land Bounded by Homer St. and Walnut St. and Private Land taken for Municipal Purposes", Albert A. Morse Acting City Engineer, dated August 14, 1950.

Approved January 4, 1988.

---

**Chapter 660. AN ACT RELATIVE TO THE DISPOSITION OF CERTAIN STATE-OWNED PROPERTY AT THE LYMAN SCHOOL FOR BOYS IN THE TOWN OF WESTBOROUGH.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately dispose of certain state-owned 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:

**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 the care and control of all or a portion of a certain parcel of land, hereinafter referred to as Parcel "A", together with the buildings thereon, in the town of Westborough, to the division of fisheries and wildlife for said division's regional offices, wildlife management area purposes or any other related purposes. This transfer of control shall be in accordance with such terms and conditions as the deputy commissioner shall prescribe, and may include, as appropriate, conservation or agricultural conservation restrictions.

Said Parcel "A" is bounded and described as follows:

Beginning at a point on the easterly side of Milk Street, said point being the northwesterly corner of the premises described herein. Thence northeasterly by land now or formerly of Charles D. Cobb 260 feet, more or less, to a point. Thence northeasterly by land now or formerly of the Commonwealth of Massachusetts 700 feet, more or less, to a point. Thence southeasterly by land now or formerly of the Commonwealth of Massachusetts 1500 feet, more or less, to a point which is the northeasterly corner of the premises. Thence southeasterly by land now or formerly of the Commonwealth of Massachusetts 2400 feet, more or less, to a point. Thence westerly by land now or formerly of the



Commonwealth of Massachusetts 600 feet, more or less, to a point of land now or formerly of the Massachusetts Technology Park Corporation. Thence northeasterly 50 feet, more or less, to a point. Thence northwesterly 135 feet, more or less, to a point. Thence southwesterly 83 feet, more or less, to a point. Thence northwesterly 737 feet, more or less, to a point. Thence southwesterly 486 feet, more or less, to a point. Thence northwesterly 116 feet, more or less, to a point. Thence southwesterly 360 feet, more or less, to a point. The last seven courses being by land of the Massachusetts Technology Park Corporation. Thence northeasterly by land now or formerly of the Commonwealth of Massachusetts 270 feet, more or less, to a point. Thence northwesterly 280 feet, more or less, to a point. Thence southwesterly 500 feet, more or less, to a point. Thence northwesterly 150 feet, more or less, to a point. The last three courses being by land of the Commonwealth of Massachusetts. Thence southwesterly 200 feet, more or less, to a point on the easterly line of Milk Street. Thence northwesterly by the easterly line of Milk Street 900 feet, more or less, to a point of beginning.

Said Parcel "A" contains approximately eighty acres of land, and is shown more particularly on a plan entitled "Lyman School Disposition Plan", as referenced hereafter, dated June 25, 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, as provided for in section fifteen.

**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 and control of all or a portion of a certain parcel of land, hereinafter referred to as Parcel "B", together with the building thereon, in the town of Westborough, to the department of environmental management for said department's administrative office and storage purposes or other related purposes. This transfer of control shall be in accordance with such terms and conditions as the deputy commissioner shall prescribe, and may include, as appropriate, provision for shared use of the parcel and any facilities thereon, for similar purposes, with other state agencies.

Said Parcel "B" is bounded and described as follows:

Beginning at a point on the southerly side of Oak Street, said point being the northeasterly corner of the premises described herein and the northwesterly corner of Parcel "J", which is now or formerly of the Commonwealth of Massachusetts. Thence southwesterly along Parcel "J" 260 feet, more or less, to a point at land now or formerly of Elizabeth D. George. Thence northwesterly by land now or formerly of George 285 feet, more or less, to a point. Thence southwesterly by land now or formerly of George 120 feet, more or less, to a point. Thence westerly by land now or formerly of the Commonwealth of Massachusetts (Parcel "G") 100 feet, more or less, to a point. Thence

northeasterly by land now or formerly of the County of Worcester 450 feet, more or less, to a point on the southerly side of Oak Street. Thence easterly by the southern side of Oak Street 355, more or less, feet to the point of beginning.

Said Parcel "B" contains approximately two acres of land, and is shown more particularly on a plan entitled "Lyman School Disposition Plan". The precise configuration of Parcel "B" shall be described in a land survey accompanying the master plan provided for in section fifteen.

**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 transfer the care and control of all or a portion of a certain parcel of land, hereinafter referred to as Parcel "C", together with the buildings thereon, in the town of Westborough, to the department of environmental quality engineering for said department's office, laboratory, and garage facilities or any other related purpose. This transfer of control shall be in accordance with such terms and conditions as the deputy commissioner shall prescribe.

Said Parcel "C" is bounded and described as follows:

Beginning at a point on the westerly side of Park Street Extension, said point being approximately 240 feet from the intersection of the northerly side of Oak Street and the easterly side of Park Street. Thence northerly along the easterly line of Park Street Extension approximately 220 feet to a point. Thence westerly by Parcel "1.(2)" 220 feet, more or less to a point. Thence southwesterly continuing by Parcel "1.(2)" 195 feet, more or less, to a point. Thence northwesterly continuing by Parcel "1.(2)" 140 feet, more or less, to a point at land now or formerly of the Massachusetts Technology Park Corporation. Thence northerly along a drive by land now or formerly of the Massachusetts Technology Corporation 430 feet, more or less, to point. Thence northeasterly by land now or formerly of the Massachusetts Technology Park Corporation 256 feet, more or less to a point. Thence westerly by land now or formerly of the Commonwealth of Massachusetts 600 feet, more or less, to a point, said point being the northeast corner of the premises. Thence southerly by land now or formerly of the Commonwealth of Massachusetts and the Town of Westborough 950 feet, more or less, to a point. Thence westerly 280 feet by Parcel "M", more or less, to the point of beginning.

Said Parcel "C" contains approximately thirteen acres of land, and is shown more particularly on a plan entitled "Lyman School Disposition Plan". The precise configuration of Parcel "C" shall be described in a land survey accompanying the master plan.

If said department does not need all or a portion of this parcel for the purposes described above, then the deputy commissioner is authorized, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to transfer to another state agency or convey by a deed approved as to form by the attorney general, to an individual or entity all or part of Parcel "C" for recreational, residential

or educational purposes that are compatible with the other uses specified in the master plan provided for in section fifteen.

**SECTION 4.** 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 and control of all or a portion of a certain parcel of land, hereinafter referred to as Parcel "D", in the town of Westborough, to the trial court of the commonwealth for said court parking purposes. This transfer of control shall be in accordance with such terms and conditions as the deputy commissioner shall prescribe.

Said Parcel "D" is bounded and described as follows:

Beginning at a point on the easterly line of Milk Street and the northerly line of Oak Street, said point being the southwesterly corner of the premises. Thence easterly along the northerly line of Oak Street 460 feet, more or less, to a point. Thence northwesterly by land now or formerly of the Commonwealth of Massachusetts, 310 feet, more or less, to a point at the easterly side of Milk Street. Thence westerly by land now or formerly of Parcel "H" 310 feet to a point. Thence southerly 360 feet, more or less, to a point of beginning.

Said Parcel "D" contains approximately two and one-half acres of land, and is shown more particularly on a plan entitled "Lyman School Disposition Plan". The precise configuration of Parcel "D" shall be described in a land survey accompanying the master plan provided for in section fifteen.

"

**SECTION 5.** 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 a deed approved as to form by the attorney general, a certain parcel of land, and the buildings thereon, hereinafter referred to as Parcel "E", commonly known as the Nathan Fisher House, in the town of Westborough, to said town for historic preservation and public education purposes. This conveyance shall be in accordance with such terms and conditions as the deputy commissioner shall prescribe, including, but not limited to, a preservation restriction in perpetuity with the Massachusetts historical commission, and the condition that the property shall revert to the commonwealth if it is no longer used for the aforementioned purposes.

Said Parcel "E" is bounded and described as follows:

Beginning at a point on the northerly line of Route 9 and the easterly line of Park Street, said point being the southwesterly corner of the premises. Thence easterly along the northerly line of Route 9, 500 feet, more or less, to a point at land now or formerly of the Commonwealth of Massachusetts (Parcel "L"). Thence northerly by land now or formerly of the Commonwealth of Massachusetts 300 feet, more or less, to a point on the southerly line of Oak Street. Thence westerly along Oak Street 230 feet, more or less, to a point at Parcel I.(1). Thence southerly by land of Parcel I.(1) 100 feet, more or less, to a point; thence westerly

along the southerly boundary of Parcel I.(1) 200 feet, more or less, to a point on the easterly line of Park Street; thence southerly along the easterly line of Park Street 165 feet, more or less, to the point of beginning.

Said Parcel "E" contains approximately three and one-tenth acres of land, and is shown more particularly on a plan entitled "Lyman School Disposition Plan". The precise configuration of Parcel "E" shall be described in a land survey accompanying the master plan provided for in section fifteen.

**SECTION 6.** 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 a deed approved as to form by the attorney general, all or a portion of a certain parcel of land, hereinafter referred to as Parcel "F", in the town of Westborough, to said town for municipal nursery and public works purposes. This conveyance shall be in accordance with such terms and conditions as the deputy commissioner shall prescribe, including the condition that the property shall revert to the commonwealth if it is no longer used for the aforementioned purposes.

Said Parcel "F" is bounded and described as follows:

Beginning at a point on the northwesterly corner of land now or formerly of the Town of Westborough, said point also being the southwesterly corner of the premise described herein. Thence northerly by Parcel "C" 450 feet, more or less, to a point. Thence southeasterly by land now or formerly of the Commonwealth of Massachusetts 750 feet to a point. Thence westerly by land now or formerly of the Town of Westborough 600 feet, more or less, to a point of beginning.

Said Parcel "F" is triangular in shape and contains approximately three and one-tenth acres of land, and is shown more particularly on a plan entitled "Lyman School Disposition Plan". The precise configuration of Parcel "F" shall be described in a land survey accompanying the master plan provided for in section fifteen.

**SECTION 7.** 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 thirty years or convey by a deed approved as to form by the attorney general, all or a portion of a certain parcel of land, and the buildings thereon, hereinafter referred to as Parcel "G", in the town of Westborough, for residential purposes. This lease or conveyance shall be in accordance with such terms and conditions as the deputy commissioner shall prescribe.

Said Parcel "G" is bounded and described as follows:

Beginning at a point on the northerly line of Route 9, said point being the southeasterly corner of the premises herein described. Thence westerly by the northerly line of Route 9, 128 feet, more or less, to a point at land now or formerly of Agnes P. Tomlin. Thence northerly by land now or formerly of Tomlin 100 feet, more or less, to a

point. Thence westerly by land now or formerly of Tomlin 330 feet, more or less, to a point on the easterly side of Milk Street. Thence northerly by the easterly line of Milk Street 410 feet to a point of land now or formerly of Glendonna A. Nourse. Thence easterly by land now or formerly of Nourse 363 feet, more or less, to a point at land now or formerly of Elizabeth D. George. Thence southerly by land now or formerly of George 185 feet, more or less, to a point. Thence easterly by land now or formerly of George 83 feet, more or less, to a point. Thence southerly by land now or formerly of George 310 feet, more or less to a point of beginning.

Said Parcel "G" contains approximately six acres of land, and is shown more particularly on a plan entitled "Lyman School Disposition Plan". The precise configuration of Parcel "G" shall be described in a land survey accompanying the master plan provided for in section fifteen. The Westborough Housing Authority shall have the right of first refusal in the disposition of this property, and preference shall be given to proposals which include mixed income housing.

**SECTION 8.** 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 thirty years or convey by a deed approved as to form by the attorney general, all or a portion of a certain parcel of land, and the buildings thereon, hereinafter referred to as Parcel "H", in the town of Westborough, for residential purposes. This lease or conveyance shall be in accordance with such terms and conditions as the deputy commissioner shall prescribe.

Said Parcel "H" is bounded and described as follows:

Beginning at a point on the easterly line of Milk Street, said point being the southwesterly corner of the premises described herein. Thence northerly by the easterly side of Milk Street 640 feet to a point at the easterly line of Milk Street and the discontinued layout of Oak Street. Thence southeasterly by land now or formerly of the Commonwealth of Massachusetts and the Massachusetts Technology Park Corporation 690 feet, more or less, to a point at Parcel "D". Thence southwesterly by the northerly line of Parcel "D", 310 feet, more or less, to the point of beginning.

Said Parcel "H" contains approximately two and one-half acres of land, and is shown more particularly on a plan entitled "Lyman School Disposition Plan". The precise configuration of Parcel "H" shall be described in a land survey accompanying the master plan provided for in section fifteen. The Westborough Housing Authority shall have the right of first refusal in the disposition of this property, and preference shall be given to proposals which include mixed income housing.

**SECTION 9.** 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 thirty years or convey by a deed approved as to

form by the attorney general, all or a portion of two parcels of land, and the buildings thereon, hereinafter referred to as Parcel "I.(1)" and "I.(2)", in the town of Westborough, to an individual or entity providing residential treatment, rehabilitation, and education programs. This lease or conveyance shall be in accordance with such terms and conditions as the deputy commissioner shall prescribe.

Said Parcel "I.(1)" is bounded and described as follows:

Beginning at a point at the intersection of the southerly line of Oak Street and the easterly line of Park Street, said point being the northwesterly corner of the premises described herein. Thence southeasterly along the southerly line of Oak Street 240 feet, more or less, to a point. Thence southerly by land now or formerly of the Commonwealth of Massachusetts (Parcel E) 100 feet, more or less, to a point; Thence westerly along the northerly line of Parcel E, 200 feet, more or less, to a point on the easterly line of Park Street; thence northerly along the easterly line of Park Street 175 feet, more or less, to the point of beginning.

Said Parcel "I.(2)" is bounded and described as follows:

Beginning at a point at the intersection of the westerly line of Park Street and the northerly line of Oak Street, said point being the southeasterly corner of the premises described herein. Thence northwesterly along the northerly line of Oak Street 750 feet, more or less, to a point at the land now or formerly of the Massachusetts Technology Park Corporation. Thence northeasterly along the last described land 245 feet to a point. Thence southeasterly along land now or formerly of the Commonwealth of Massachusetts 140 feet, more or less, to a point. Thence northeasterly along the last named land 195 feet, more or less, to a point. Thence easterly along land now or formerly of the Commonwealth of Massachusetts, 220 feet, more or less, to a point, said point being the northeasterly corner of the premises, the last three lines being by Parcel "C". Thence southerly along the easterly line of Park Street Extension 460 feet, more or less, to the point of beginning.

Said Parcel "I.(1)" contains approximately seven-tenths acres of land, and said Parcel "I.(2)" contains approximately four acres of land. Both parcels are shown more particularly on a plan entitled "Lyman School Disposition Plan". The precise configuration of Parcel "I.(1)" and "I.(2)" shall be described in a land survey accompanying the master plan provided for in section fifteen.

**SECTION 10.** 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 thirty years or convey by a deed approved as to form by the attorney general, all or a portion of a certain parcel of land, and the buildings thereon, hereinafter referred to as Parcel "J", in the town of Westborough, to an individual or entity for recreational, educational and civic purposes. This lease or conveyance shall be in accordance with such terms and conditions as the deputy

commissioner shall prescribe.

Said Parcel "J" is bounded and described as follows:

Beginning at a point at the intersection of the northerly line of Route 9 and the westerly line of Park Street said point being the southeasterly corner of the premises herein described. Thence westerly along the northerly line of Route 9 approximately 940 feet, more or less, to a point at land now or formerly of Elizabeth D. George. Thence northerly by land now or formerly of George 550 feet, more or less, to a point. Thence northeasterly by Parcel "B" 260 feet, more or less, to a point on the southerly line of Oak Street. Thence southeasterly along Oak Street 700 feet, more or less, to a point at the intersection of the southerly line of Oak Street and the westerly line of Park Street. Thence southerly along the easterly line of Park Street 350 feet, more or less, to a point of beginning.

Said Parcel "J" includes approximately eleven acres of land, and is shown more particularly on a plan entitled "Lyman School Disposition Plan". The precise configuration of Parcel "J" shall be described in a land survey accompanying the master plan provided for in section fifteen.

**SECTION 11.** 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 thirty years or convey by a deed approved as to form by the attorney general, all or a portion of a certain parcel of land, and the buildings thereon, hereinafter referred to as Parcel "K" in the town of Westborough, to an individual or entity for recreational, educational, civic or residential purposes. This lease or conveyance shall be in accordance with such terms and conditions as the deputy commissioner shall prescribe.

Said parcel "K" is bounded and described as follows:

Beginning at a point on the easterly line of Milk Street at the northwesterly corner of land of the Massachusetts Technology Park Corporation. Thence southeasterly by land of the Corporation 400 feet, more or less, to a point. Thence northeasterly by land of the Corporation 260 feet, more or less, to a point. Thence northeasterly by land of the Commonwealth of Massachusetts, 270 feet, more or less, to a point. Thence northwesterly by land of the Commonwealth of Massachusetts 280 feet, more or less, to a point. Thence southwesterly by land by the Commonwealth land 500 feet, more or less, to a point. Thence southeasterly by the Commonwealth land 100 feet to a point. Thence southwesterly by the Commonwealth land 180 feet, more or less, to a point on the easterly line of Milk Street. Thence southeasterly along the easterly line of Milk Street 130 feet, more or less, to the point of beginning.

Said Parcel "K" includes approximately six and one-half acres of land, and is shown more particularly on a plan entitled "Lyman School Disposition Plan". The precise configuration of Parcel "K" shall be described in a land survey accompanying the master plan provided in section fifteen.

**SECTION 12.** 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 thirty years or convey by a deed approved as to form by the attorney general, all or a portion of a certain parcel of land, hereinafter referred to as Parcel "L", in the town of Westborough, for municipal, agricultural or open space use. This lease or conveyance shall be in accordance with such terms and conditions as the deputy commissioner shall prescribe.

Said Parcel "L" is bounded and described as follows:

Beginning at a point on the northerly line of Route 9, said point being the southeasterly corner of the premises described herein and the southeasterly corner of Parcel E. Thence easterly along the northerly line of Route 9, 125 feet, more or less, to a point at land now or formerly of Robert McGoldrick. Thence northerly by land now or formerly of McGoldrick 300 feet, more or less, to a point on the southerly line of Oak Street. Thence westerly along Oak Street 145 feet, more or less, to a point. Thence southerly by land now or formerly of the Commonwealth of Massachusetts 300 feet, more or less, to the point of beginning.

Said Parcel "L" includes approximately nine-tenths acres of land, and is shown more particularly on a plan entitled "Lyman School Disposition Plan". The precise configuration of Parcel "L" shall be described in a land survey accompanying the master plan provided for in section fifteen.

**SECTION 13.** 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 a deed approved as to form by the attorney general, all or a portion of a certain parcel of land, and the building thereon, hereinafter referred to as Parcel "M", in the town of Westborough, to said town for municipal public works purposes. This conveyance shall be in accordance with such terms and conditions as the deputy commissioner shall prescribe, including the condition that the property shall revert to the commonwealth if it is no longer used for the aforementioned purposes.

Said Parcel "M" is bounded and described as follows:

Beginning at a point on the westerly line of Park Street Extension, said point being approximately 240 feet from the intersection of the northerly line of Oak Street and the easterly line of Park Street and the northwesterly corner of the premises described herein. Thence easterly by Parcel "C", 280 feet, more or less, to a point at land now or formerly of the Town of Westborough. Thence southerly by land now or formerly of the Town of Westborough 100 feet, more or less, to a point. Thence westerly by land now or formerly of the Town of Westborough 300 feet, more or less, to a point on the westerly line of Park Street extension. Thence northerly by Parcel C, 120 feet, more or less, to a point of beginning.

Said Parcel "M" includes approximately seventy-five one hundredths acres of land, and is shown more particularly on a plan entitled



"Lyman School Disposition Plan". The precise configuration of Parcel "M" shall be described in a land survey accompanying the master plan provided for in section fifteen.

**SECTION 14.** 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 an easement approved as to form by the attorney general, a certain parcel of land to the Massachusetts Technology Park Corporation for drainage and utility purposes. This conveyance of an easement shall be in accordance with such terms and conditions as the deputy commissioner shall prescribe, in consultation with the division of fisheries and wildlife.

Said Parcel "V" is bounded and described as follows:

Beginning at a point at the northeasterly corner of "Drainage Easement 'R'" at other land now or formerly of the Commonwealth of Massachusetts, thence running

N 70 44 26 E 230.00 feet, more or less, to a point, thence turning and running;

N 36 24 05 E 44.32 feet, more or less, to a point, thence turning and running;

S 19 15 34 E 45.00 feet, more or less, to a point, thence turning and running;

S 70 44 26 E 265.00 feet, more or less, to a point, thence turning and running;

N 29 43 04 W 20.06 feet, more or less, to the point of beginning.

Said course being by "Drainage Easement 'R'" and other land now or formerly of the Commonwealth of Massachusetts.

The above described land contains five thousand seven hundred and seventy-three square feet, more or less, and is shown as "Drainage Easement 'V'" on a plan of land entitled, "Easement Plan of Land in Westborough, Massachusetts", and recorded at the Worcester district registry of deeds, in the county of Worcester Plan Book No. 548, Plan No. 69.

**SECTION 15.** The division of capital planning and operations is hereby authorized to prepare a master plan, 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 sections one to fourteen, inclusive. Said master plan shall include a property description and site plan showing the boundary of parcels available for disposition, narrative and graphic presentation of the characteristics of the land and buildings, recommended uses of the Lyman school property, and development guidelines that will be incorporated into requests for proposals and property disposition agreements. An analysis of the value of the land and buildings shall be prepared as part of the master plan. Upon completion and at least thirty

days before adoption of the master plan, the deputy commissioner of capital planning and operations shall submit a copy of said master plan to the joint legislative committee on state administration, the house and senate committees on ways and means, and the inspector general. Following adoption of the 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 the master plan.

**SECTION 16.** The deputy commissioner of capital planning and operations is hereby authorized to retain or grant rights of way or easements across property described in sections one to thirteen, inclusive, of this act, or to convey such property as needed for roadways or road improvements to the Massachusetts and Westborough departments of public works.

**SECTION 17.** 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 a deed approved as to form by the attorney general, a certain parcel of land that is currently part of Westborough state hospital, situated on the southeasterly side of Lyman street, in the town of Westborough, to said town for active and passive public recreational and conservation purposes. This conveyance shall be in accordance with such terms and conditions as the deputy commissioner shall prescribe, in consultation with the department of mental health. Said parcel is bound and described as follows:

Beginning at a point 500 feet, more or less, southeasterly from a cement bound in the southeasterly line of Lyman Street; Thence easterly bounding on the north by land of Zaniboni and the Town of Westborough a distance of 390 feet, more or less, to a point; Thence southeasterly bounding on the east by land of the Town of Westborough 270 feet, more or less, to a point; Thence southwesterly bounding on the south by land of Spinola, Harrington, and Chase 1760 feet, more or less, to a point; Thence northerly bounding on the west by land of the Town of Westborough, McDonald, Donovan, Trip, Furbish, Healy, Lawrence, Serafin, Suter, McGurk and Westborough state hospital a distance of 1950 feet, more or less to the point of beginning.

Said parcel includes approximately fourteen acres of land, such precise configuration more particularly shown in a plan entitled: "Plan of Land in Westborough, Mass. Owner: Westborough State Hospital, Scale: 1" = 200', Dated: March 4, 1986, Prepared By: Guerard Survey Co. and Associates, 11 Summer Street, Westborough, Mass. 01581".

**SECTION 18.** Nothing in sections one to thirteen, inclusive, shall be construed as superseding the authorization contained in chapter four

hundred and five of the acts of nineteen hundred and eighty-four.

Approved January 5, 1988.

---

**Chapter 661. AN ACT RELATIVE TO THE ELECTION OF TOWN MEETING MEMBERS IN SOUTH HADLEY.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 2 of chapter 45 of the acts of 1933 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The voters of each precinct in the town of South Hadley shall elect by ballot from residents of the precinct town meeting members, other than the offices designated in section three of this act as town meeting members ex officiis, forty-two registered voters. The first third in the order of votes received of members elected at such annual election in each precinct shall serve until the third succeeding annual election, the second third in the order of votes received at such election shall serve until the second succeeding annual election, and the remaining third in the order of votes received at such election shall serve until the first succeeding annual election; and thereafter except as herein provided at each annual election the voters of each precinct in the town shall in like manner, elect as town meeting members one third of the forty-two for the term of three years, and shall, at such elections, fill for the unexpired term or terms any vacancies then existing in the number of town meeting members in the precinct.

**SECTION 2.** The third paragraph of section 3 of said chapter 45 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Any elected town meeting member who becomes by appointment or election one of the officers designated as town meeting members, ex officiis, shall, upon such appointment or election retain their elected town meeting member status; provided, however, such member shall have just one vote.

**SECTION 3.** This act shall take effect on January first, nineteen hundred and eighty-eight.

Approved January 5, 1988.

EMERGENCY LETTER: January 5, 1988 @ 4:25 P.M.

---

**Chapter 662. AN ACT AUTHORIZING THE TOWN OF ANDOVER TO SELL AND CONVEY OR LEASE AND LEASEBACK OLD TOWN HALL IN SAID TOWN AND VALIDATING CERTAIN ACTION TAKEN BY SAID TOWN.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of sections three, four, fifteen and fifteen A of chapter forty and section thirty-one of chapter forty-four of the General Laws or any other general or special law to the contrary, the town of Andover is hereby authorized to sell or lease for a term of not more than forty years, including the right to extend or renew such lease, all or a portion of the property now or formerly known as the Old Town Hall to a purchaser or lessee who shall undertake to rehabilitate, remodel, equip, and, if required by the town, expand the existing building for public use in accordance with plans and specifications approved on behalf of said town. Said town is also authorized to lease or sublease, as the case may be, from said purchaser or lessee as aforesaid, the property so sold or leased for a period not to exceed forty years, including the right to extend or renew such lease or sublease. Such lease or sublease may provide that payments by said town be unconditional and included in the amounts assessed in each year as provided in section twenty-three of chapter fifty-nine of the General Laws, but the obligations represented by such payments shall not be included in any determination of the borrowing capacity of said town under any limitation of its indebtedness. Said town is also authorized from time to time to sublease a portion or portions of said building to the United States government or an agency or instrumentality thereof for a term not to exceed ten years.

**SECTION 2.** Notwithstanding the provisions of section one or any other law to the contrary, the provisions of sections forty-four A to forty-four J, inclusive, of chapter one hundred and forty-nine of the General Laws shall be applicable to any contract awarded for the rehabilitation, remodeling, equipping or expansion of the Old Town Hall in said town and the provisions of section thirty-eight K of chapter seven of the General Laws, shall apply to any contract for the design of this project.

**SECTION 3.** The net proceeds of any sale authorized in section one shall be deposited in a special account in the stabilization fund of said town and shall not be withdrawn from said fund for any purpose other than to repurchase the said property except by a two-thirds vote adopted at two separate town meetings held at least six months apart, at least one of which shall be an annual town meeting. Any income from moneys held in said special account or any rent payable to the town may be deemed general revenues of the town and deposited from time to time with the town treasurer.

**SECTION 4.** The town is authorized to accept and expend any grants, gifts or other contributions received by the town for the town's share of the cost of the rehabilitation, remodeling, equipping and expansion of said building. The town is also authorized to waive any provision of the town's bylaws as may be necessary to effectuate any transaction authorized hereby.

---

**ACTS, 1987. – Chap. 663.**

**SECTION 5.** Except as provided in section three, actions by or on behalf of the town authorized by this act shall be taken by the board of selectmen or its designee.

**SECTION 6.** All actions heretofore taken by the town in furtherance of the aforesaid purposes is ratified, confirmed and validated.

**SECTION 7.** This act shall take effect upon its passage.

Approved January 5, 1988.

---

**Chapter 663. AN ACT ESTABLISHING A WORKSHARING PROGRAM AND PROVIDING FOR RETRAINING INCENTIVES.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately establish a worksharing program and provide for retraining incentives, 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.** Subsection (e) of section 25 of chapter 151A of the General Laws, as amended by section 1 of chapter 473 of the acts of 1987, is hereby further amended by adding the following paragraph:–

An individual in partial unemployment who leaves work from other than the most recent base period employer while receiving benefits under this chapter shall not be disqualified pursuant to the provisions of this subsection from receiving benefits, if such individual establishes to the satisfaction of the director that the reason for leaving was to enter training for which the individual has received the director's approval under section thirty.

**SECTION 2.** Said chapter 151A is hereby further amended by inserting after section 29C the following section:–

Section 29D. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Affected unit", a specified plant, department, shift, or other definable unit consisting of not less than two employees to which an approved worksharing plan applies.

"Approved worksharing plan", a plan of an employer under which there is a reduction in the number of hours worked by the employees in an affected unit, and the affected employees share the work remaining after the normal weekly hours of work are reduced.

"Employee", any individual employed full-time or on a permanent part-time basis by any employer subject to this chapter and in employment subject thereto.

"Fringe benefits", include, but are not limited to, health insurance, retirement benefits, paid vacation and holidays, sick leave, and similar advantages which are incidents of employment.

"Normal weekly hours of work", the normal number of hours of work each week for an employee in an affected unit when that unit is operating on a full-time basis, not to exceed forty hours and not including overtime.

"Unemployment benefits" or "regular benefits", benefits payable under this chapter other than worksharing benefits, reemployment assistance benefits or health insurance benefits.

"Worksharing benefits", the benefits payable to employees in an affected unit under an approved worksharing plan.

"Worksharing employer", an employer with an approved worksharing plan in effect.

(b) An employer wishing to participate in a worksharing program shall submit a written and signed worksharing plan to the director for approval. The director may approve a worksharing plan if the following criteria, and any other factors the director deems relevant, are met:

(1) The plan identifies the affected unit or units to which it applies.

(2) The employees in the affected unit are identified by name, social security number, the normal weekly hours of work, proposed wage and hour reduction and any other information the director deems necessary to carry out the provisions of this section.

(3) The normal weekly hours of work by employees in the affected unit are reduced by not less than ten per cent and not more than sixty per cent and the reduction in hours in each affected unit is spread equally among employees in the affected unit.

(4) The plan provides that health benefits and retirement benefits under a benefit pension plan, as defined in section 3(35) of the Employee Retirement Income Security Act of 1974, will continue to be provided to the employees in the affected units as though their normal weekly hours of work had not been reduced and specifies the effect, if any, the reduction in the normal weekly hours of work will have on other fringe benefits provided by the employer.

(5) The plan certifies that the reduction in the normal weekly hours of work is in lieu of layoffs and states the reason for and expected duration of the work reduction. The plan shall not serve as a subsidy of seasonal employment during the off season, nor as a subsidy of temporary part time or intermittent employment.

(6) The written approval by the collective bargaining agent for each collective bargaining agreement for each affected unit is included in the plan.

(7) The plan specifies a beginning and ending date which shall be not more than twenty-six weeks from the beginning date.

(8) The plan contains an agreement by the employer to furnish all reports and information necessary for the administration of the plan and to permit access by the director to all records necessary to verify and evaluate the plan.

(9) An employee's participation in the plan shall not be precluded or

limited by any particular definition of attachment to the employer, such as, length of employment.

(10) The plan applies to only full-time or permanent part-time employees. Seasonal employees may not participate in a worksharing plan.

(11) The plan certifies that the employer has paid all contributions, payments in lieu of contributions, interest or penalty charges due under this chapter.

(12) The plan meets all other criteria prescribed by the director.

(c) The director shall approve or reject a worksharing plan in writing within fifteen working days after its receipt. The director's rejection of the worksharing plan shall be final and shall not be appealable, but rejection shall not prevent an employer from submitting another plan for approval.

(d) An approved worksharing plan may be modified only with the approval of the director. The worksharing employer shall notify the director of any changes in the conditions of an approved plan within two working days. If the proposed changes meet the requirements for approval of a plan, the director may approve the modifications. If the modifications do not meet the requirements for approval, the director shall revoke the plan.

(e) The director may revoke approval of a worksharing plan for good cause. The revocation order shall be in writing and shall specify the date the revocation is effective and the reasons for the revocation. Good cause for revocation shall include, but is not limited to, failure to comply with the assurances given in the plan, unreasonable revision of the productivity standards for the affected unit, conduct or occurrences tending to defeat the intent and effective operation of the plan, and violation of the criteria on which approval of the plan was based. Such action may be initiated at any time by the director on his own motion, or at the request of any of the affected unit's employees, or at the request of the appropriate collective bargaining agent. The revocation order shall be final and not appealable.

(f) At the end of the worksharing period provided in paragraph (7) of subsection (b), the worksharing employer may submit a new worksharing plan to the director for approval.

(g) The provisions of section forty-seven shall apply to any information submitted in connection with an application for approval or modification of a worksharing plan, the implementation of an approved worksharing plan, or the payment of worksharing benefits. An employer shall also be liable for the repayment to the director of any worksharing benefits improperly paid by the director as a result of information the employer submitted to the director in connection with the approval, modification or implementation of a worksharing plan which is substantially misleading or contains a material misrepresentation of fact. In addition thereto, a claimant shall be liable for the repayment to the director of any worksharing benefits which were improperly paid due to the fault of the claimant. The director may utilize any remedies provided by this chapter to recover worksharing benefits.

(h) (1) An individual shall be eligible to receive worksharing benefits, subsequent to serving a waiting period as prescribed by the director, with respect to any week only if, in addition to meeting the other conditions of eligibility for regular benefits under this chapter which are not inconsistent with this section, the director finds that (i) the individual is employed as a member of an affected unit under an approved worksharing plan in effect, and (ii) the individual is able to work and is available for the normal weekly hours of work with the worksharing employer. An otherwise eligible affected individual shall not be denied worksharing benefits for any week by reason of the application of provisions relating to availability for work, active search for work or applying for or accepting suitable work with other than the worksharing employer.

(2) An individual shall be deemed to be unemployed in any week for which remuneration is payable to him as an employee in an affected unit for less than the employee's normal weekly hours of work as specified under the approved worksharing plan in effect for that week.

(3) An individual who is not eligible to receive unemployment benefits by reason of the application of paragraph (6) of subsection (d) of section twenty-nine shall not be eligible to receive worksharing benefits.

(i) The weekly worksharing benefit amount payable to an affected individual shall be the product of the regular weekly benefit amount, as defined in section twenty-nine, multiplied by the percentage of reduction in the individual's normal weekly hours of work, plus the allowance set forth in subsection (c) of section twenty-nine, rounded to the next lower full dollar amount. The weekly worksharing benefit amount shall not be reduced by reason of application of the provisions of subsection (b) of section twenty-nine to remuneration received from the worksharing employer.

If in any week an individual performs services for a worksharing employer and an employer other than the worksharing employer, the weekly worksharing benefit amount shall be reduced by the amount by which the aggregate remuneration received from the non-worksharing employer exceeds thirty per cent of the maximum benefit rate in effect.

(j) The total worksharing benefit amount payable to an affected individual during any benefit year shall not exceed the amount of total benefits calculated under the first paragraph of section thirty minus the amount of regular benefits payable to said individual under this chapter.

(k) An individual who has received all the worksharing benefits or the combined regular benefits and worksharing benefits available in a benefit year shall be considered an exhaustee for purposes of extended benefits, as provided under the provisions of section thirty A, and, if otherwise eligible under those provisions, shall be eligible to receive extended benefits.

(l) An individual who performs no services during a week for the worksharing employer and is otherwise eligible shall be paid benefits in accordance with the other provisions of this chapter.

(m) Claims for worksharing benefits shall be filed in the same manner as claims for other benefits under this chapter or as otherwise prescribed by the director.



---

**ACTS, 1987. - Chap. 664.**

(n) Notwithstanding any other provision of this chapter relating to charges, all worksharing benefits shall be charged to the account of the worksharing employer. Benefits paid under this section shall be charged to the employer's account in the same manner as regular benefits are charged, except that, if the employer's account reserve percentage is negative as of the most recent computation date, the employer shall be charged and billed in accordance with the provisions of section fourteen A as if the employer had elected to make payments in lieu of contributions. Benefits paid under this section to employees of employers who have elected to make payments in lieu of contributions shall be charged in accordance with section fourteen A.

(o) Except where inconsistent with the provisions of this section, the provisions of this chapter, including the rules and regulations adopted under this chapter, shall apply to benefits under this section.

**SECTION 3.** Section 29D of said chapter 151A, inserted by section 2 of this act, is hereby repealed.

**SECTION 4.** Section two of this act shall take effect on July first, nineteen hundred and eighty-eight. Section three shall take effect on June thirtieth, nineteen hundred and ninety-one.

Approved January 5, 1988.

---

**Chapter 664. AN ACT PROVIDING INCREASED PROTECTION FOR CONSUMERS IN SECURITIES AND COMMODITIES TRANSACTIONS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 1 of chapter 93A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "mixed", in line 9, the following words:- , any security as defined in subparagraph (k) of section four hundred and one of chapter one hundred and ten A and any contract of sale of a commodity for future delivery.

**SECTION 2.** The first paragraph of section 4 of said chapter 93A, as so appearing, is hereby amended by adding the following sentence:- If the court finds any method, act, or practice unlawful with regard to any security or any contract of sale of a commodity for future delivery as defined in section two, the court may issue such orders or judgments as may be necessary to restore any person who has suffered any ascertainable loss of any moneys or property, real or personal, or up to three but not less than two times that amount if the court finds that the use of the act or practice was a willful violation of said section two, a civil penalty to be paid to the commonwealth of not more than five thousand dollars for each such violation, and also may require said person

---

**ACTS, 1987. - Chap. 665.**

to pay the reasonable costs of investigation and litigation of such violation, including reasonable attorneys fees.

**SECTION 3.** Subsection (3) of section 9 of said chapter 93A, as so appearing, is hereby amended by adding the following sentence:- Notwithstanding any other provision to the contrary, if the court finds any method, act or practice unlawful with regard to any security or any contract of sale of a commodity for future delivery as defined in section two, and if the court finds for the petitioner, recovery shall be in the amount of actual damages.

Approved January 5, 1988.

---

**Chapter 665. AN ACT INCREASING THE PENALTIES FOR HAZING.**

Be it enacted, etc., as follows:

Chapter 269 of the General Laws is hereby amended by striking out sections 17 to 19, inclusive, and inserting in place thereof the following three sections:-

Section 17. Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment.

The term "hazing" as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which wilfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.

Section 18. Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars.

Section 19. Each institution of secondary education and each public and private institution of post secondary education shall issue to every

---

**ACTS, 1987. - Chap. 666.**

student group, student team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and sections seventeen and eighteen; provided, however, that an institution's compliance with this section's requirements that an institution issue copies of this section and sections seventeen and eighteen to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, teams or organizations.

Each such group, team or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, pledges or applicants for membership. It shall be the duty of each such group, team or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgement stating that such group, team or organization has received a copy of this section and said sections seventeen and eighteen, that each of its members, plebes, pledges, or applicants has received a copy of sections seventeen and eighteen, and that such group, team or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall file, at least annually, a report with the regents of higher education and in the case of secondary institutions, the board of education, certifying that such institution has complied with its responsibility to inform student groups, teams or organizations and to notify each full time student enrolled by it of the provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The board of regents and, in the case of secondary institutions, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution which fails to make such report.

Approved January 5, 1988.

---

**Chapter 666. AN ACT RELATIVE TO THE NANTUCKET ISLANDS LAND BANK.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 4 of chapter 669 of the acts of 1983 is hereby amended by striking out, in line 24, the word "and", - and by inserting after the word "thereof", in line 26, the following:- ; (h) lease real property as may be held by the land bank for purposes consistent with this act; and (i) finance and construct recreational facilities, subject to the provisions of section six.

**SECTION 2.** Section 5 of said chapter 669 is hereby amended by striking out, in line 10, the word "and", - and by inserting after the word "areas", in line 12, the following:- ; and (h) land used or to be used for agricultural purposes.

**SECTION 3.** Section 8 of said chapter 669 is hereby amended by adding the following sentence:- Real property held in the name of the Nantucket Islands land bank or its designee shall be exempt from property taxes as of the date of acquisition of title by the Nantucket Islands land bank or its designee; and any taxes assessed against such real property interests shall be abated for that portion of any fiscal year during which the real property interests was owned by the Nantucket Islands land bank or its designee.

**SECTION 4.** Section 10 of said chapter 669 is hereby amended by adding the following sentence:- Notwithstanding the foregoing, whenever there is a conveyance of real property interests and a conveyance of personalty related thereto at or about the same time, the allocations of payments between real estate and personalty agreed to by the purchaser and seller shall not determine the amount of the fee due pursuant to this section; instead, the commission may require payment of the fee referred to in real property interests so conveyed as determined by the commission.

**SECTION 5.** Said chapter 669 is hereby further amended by inserting after section 10 the following section:-

**Section 10A.** To the extent not otherwise subject to payment of a fee pursuant to section ten, and notwithstanding the exemptions set forth in paragraphs (i) and (j) of section twelve, unless otherwise exempted pursuant to section twelve excluding said paragraphs (i) and (j), there shall be paid a fee equal to two per cent of the fair market value of real property interests held in the name of or otherwise owned by a corporation upon the transfer by the controlling stockholders of their interests of the stock of such corporation. This fee is due on or before the time of transfer of the stock.

To the extent not otherwise subject to payment of a fee pursuant to section ten and notwithstanding the exemptions referred to in said paragraphs (i) and (j), unless otherwise exempted pursuant to said section twelve excluding said paragraphs (i) and (j), there shall be paid a fee equal to two per cent of the fair market value of real property interests

held in the name of a partnership or otherwise owned by a partnership upon the change in composition of such partnership either in one transaction or a series of related transactions which change in composition results in a transfer of capital interests in excess of fifty per cent of the total capital interests within such partnerships or results in a transfer of the ownership rights to profit interests within such partnership in excess of fifty per cent of the total profit interests within such partnerships.

**SECTION 6.** Paragraph (i) of section 12 of said chapter 669 is hereby amended by inserting after the word "amended", in line 4, the words:- ; provided, however, that such transfer shall be exempt only in the event that (i) with respect to a corporation, the transferor retains a controlling interest in such corporation after such formation or (ii), with respect to a partnership, the transferor retains after such formation rights to capital interests in excess of fifty per cent of the capital interests within such partnership or retains rights to profit interests within such partnership in excess of fifty per cent of the total profit interests within such partnership.

**SECTION 7.** Paragraph (j) of said section 12 of said chapter 669 is hereby amended by inserting after the word "partnership", the second time it appears, in line 3, the words:- ; provided, however, that such transfer shall be exempt only in the event that (i) with respect to a corporation, the transferee had prior to the transfer a controlling interest in such corporation or (ii) with respect to a partnership, the transferee had prior to the transfer rights to capital interests in excess of fifty per cent of the total capital interests within such partnership or had rights to profit interests within such partnership in excess of fifty per cent of the total profit interests within such partnership.

**SECTION 8.** Paragraph (m) of said section 12 of said chapter 669 is hereby amended by striking out, in line 6, the words "intends to" and inserting in place thereof the word:- shall,- and by striking out, in line 8, the words "with the intention to" and inserting in place thereof the words:- and shall.

Approved January 5, 1988.

---

**Chapter 667. AN ACT INCREASING RESOURCES FOR LEARNING BY COLLECTING EDUCATION LOANS IN DEFAULT IN THE COMMONWEALTH.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 62D of the General Laws is hereby amended by striking out section 1, as appearing in the 1986 Official Edition, 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 or the board of regents of higher education, in the exercise of its duty to aid and foster programs supporting higher education, pursuant to chapter fifteen A.

"Corporation", the Massachusetts Higher Education Assistance Corporation created under chapter two hundred and ninety-eight of the acts of nineteen hundred and fifty-six.

"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 the sum, or any liquidated sum due and owing to the corporation on an education loan made under any of the programs administered by the corporation in behalf of the commonwealth, 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 or any individual owing money on an education loan to the corporation, 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 2.** Said chapter 62D is hereby further amended by striking out section 4, as so appearing, and inserting in place thereof the following section:-

Section 4. The claimant agency seeking to collect a debt through set-off shall notify the department in writing of its intent, certify the amount of the debt, identify the source of the debt, including, where necessary or applicable, the name of the court and the date and terms of its order, or with respect to any education debt, the name of the lender and the date and terms of the loan, and supply information necessary to identify the debtor whose refund is sought to be set-off. Whenever possible, such identification shall include the full name of the debtor, social security number, address, and any other information required by regulations promulgated by the department. 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. The notification and the furnishing of information by the claimant agency to the department must

occur on or before a date specified by the department in the year preceding the calendar year in which the refund would be paid. Subject to said notification deadline, the notification shall be effective only to initiate set-off for claims against refunds that would be made in the calendar year subsequent to the year in which notification is made to the department.

**SECTION 3.** Section 8 of said chapter 62D, as so appearing, is hereby amended by adding the following sentence:- With respect to education loan set-off proceeds, the board shall transmit fifteen per cent thereof to the department in payment for its set-off which shall be deposited in the General Fund. The balance shall be transmitted to the corporation.

**SECTION 4.** Said chapter 62D is hereby further amended by striking out section 10, as so appearing, and inserting in place thereof the following section:-

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 and the board of regents of higher education or education agency similar to the corporation of another jurisdiction, the department of public welfare, the corporation, the debtor, and the nondebtor spouse necessary to accomplish and effectuate the intent of this chapter is lawful.

The information obtained by any agency or the corporation from the department in accordance with the aforementioned exemption shall only be used by the agency or the corporation in the pursuit of its debt collection duties and practices and any person employed by, or formerly employed by, the agency or the corporation 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 5.** Said chapter 62D is hereby further amended by adding the following two sections:-

Section 13. In the event that a debtor owes liabilities to several agencies, priority of set-off against any refund shall be as follows: (a) unpaid state tax liabilities; (b) the department of public welfare; and (c) the board of regents of higher education.

Section 14. Any proceeds received by the department as reimbursement for its set-off services shall be deposited in a separate revolving fund to be used by the department, without appropriation, to defray its administrative costs in operating the set-off program.

**SECTION 6.** Chapter 62E of the General Laws is hereby amended by striking out section 3, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

---

**ACTS, 1987. – Chap. 668.**

Section 3. The commissioner shall design, develop, implement, and operate a wage reporting system for the purpose of receiving, maintaining, and processing information required to be submitted by employers pursuant to this chapter for the purposes of verifying eligibility for and entitlement to public benefits, unemployment insurance benefits and veterans' benefits, under reporting of income, and any errors, fraud or abuse in connection with such benefits paid or income reported and for the further purpose of identifying absent parents who are legally obligated to pay support for their spouse or children to the department of public welfare, locating such absent parents and evaluating their ability to pay support and for the purpose of locating education loan defaulters who are legally obligated to repay loans to the Massachusetts Higher Education Assistance Corporation and identifying the employers of the aforesaid defaulters.

**SECTION 7.** Section 4 of said chapter 62E, as so appearing, is hereby amended by adding the following paragraph:-

Upon written request of and at a date specified by the commissioner, the board of regents of higher education acting by and through the Massachusetts Higher Education Assistance Corporation shall provide to the commissioner lists of education loan defaulters with all necessary data to assure positive identification, for the purpose of locating education loan defaulters and identifying their employers.

**SECTION 8.** Section 5 of said chapter 62E, as so appearing, is hereby amended by adding the following paragraph:-

The commissioner shall furnish the board of regents of higher education acting by and through the Massachusetts Higher Education Assistance Corporation with available information as to the address, wages, and employers of the education loan defaulters reported under the provisions of section four; provided, however, that said corporation shall pay to the General Fund of the commonwealth on an annual basis an amount equal to the direct costs incurred by the department and certified by the commissioner as owing due the commonwealth for furnishing such information.

Approved January 5, 1988.

---

**Chapter 668. AN ACT EXEMPTING THE POSITION OF CHIEF OF THE FIRE DEPARTMENT OF THE TOWN OF LEE FROM THE PROVISIONS OF CIVIL SERVICE LAW.**

Be it enacted, etc., as follows:

**SECTION 1.** The office of chief of the fire department in the town of Lee shall be exempt from the provisions of chapter thirty-one of the General Laws.



---

ACTS, 1987. - Chap. 669.

**SECTION 2.** The provisions of section one shall not impair the civil service status of any incumbent holding the office of chief of the fire department in the town of Lee on the effective date of this act.

**SECTION 3.** This act shall take effect upon its acceptance by the board of selectmen of said town.

Approved January 5, 1988.

---

**Chapter 669. AN ACT FURTHER REGULATING THE TRANSFER OF OWNERSHIP AND LICENSES OF CONVALESCENT AND NURSING HOMES, INFIRMARIES OR OTHER HEALTH CARE FACILITIES.**

Be it enacted, etc., as follows:

Section 71 of chapter 111 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the third paragraph and inserting in place thereof the following six paragraphs:-

In the case of the transfer of ownership of a convalescent or nursing home, infirmary maintained in a town, rest home, charitable home for the aged or intermediate care facility for the mentally retarded, a prospective transferee, in the capacity of a prospective licensee, shall submit a notice of intent to acquire such a facility to the department at least ninety days prior to the transfer of ownership. The notice of intent shall be on a form supplied by the department and shall be deemed complete upon submission of all information which the department requires on the notice of intent form and is reasonably necessary to carry out the purposes of this section. Within ninety days of the submission of a completed notice of intent form, the department shall determine whether such prospective licensee is responsible and suitable for licensure. Requests by the department for information other than the information required on the notice of intent form shall not extend the ninety day period. Notwithstanding the foregoing, the department with the consent of said prospective licensee may extend the ninety day determination period for one additional period not to exceed thirty days.

For purposes of this section, the department's determination of responsibility and suitability shall be limited to the following factors:

(i) the criminal history of the prospective licensee, or any officer, director, shareholder or general or limited partner thereof, to which the department has been granted access or certification or may be subsequently granted access or certification by the criminal history systems board;

(ii) the financial capacity of the prospective licensee to operate the health care facility in accordance with applicable laws;

(iii) the history of the prospective licensee in providing long term care in the commonwealth, measured by compliance with applicable statutes and regulations governing the operation of long term care facilities; and

(iv) the history of the prospective licensee in providing long term care in states other than the commonwealth, if any, measured by compliance with the applicable statutes and regulations governing the operation of long term care facilities in said states.

The prospective licensee shall be deemed responsible and suitable upon the expiration of the ninety day period, or upon the expiration of said period as extended, if the department fails to notify said prospective licensee in writing of its decision within the ninety day period or within the expiration of the extension period, whichever is applicable.

Upon determination by the department that the prospective licensee is responsible and suitable for licensure, or upon the failure of the department to notify said prospective licensee in writing of its decision within the required period, and upon a transfer of ownership, the prospective licensee may file an application for a license which shall have the effect of a license until the department takes final action on the application.

If the department determines that the prospective licensee is not suitable for licensure, the department's determination shall take effect on the date of the department's notice. In such cases, the prospective licensee shall upon the filing of a written request with the department be afforded an adjudicatory hearing pursuant to chapter thirty A. During the pendency of such appeal, the prospective licensee shall not operate the facility as a licensee, nor, without prior approval of the department, manage such facility.

No transfer of ownership of a convalescent or nursing home, infirmary maintained in a town, rest home, charitable home for the aged or intermediate care facility for the mentally retarded shall occur unless the prospective licensee has been deemed suitable for licensure in accordance with the provisions of this section.

Approved January 5, 1988.

---

**Chapter 670. AN ACT PROVIDING FOR A CAPITAL OUTLAY FOR ENERGY RELATED PURPOSES.**

Be it enacted, etc., as follows:

**SECTION 1.** In addition to funds which may be otherwise appropriated or provided from any source, and in addition to funds provided for in sections twenty-eight to thirty-two inclusive, of chapter seven hundred and ninety-six of the acts of nineteen hundred and seventy-nine, and section three of chapter seven hundred of the acts of nineteen hundred and eighty-three, the secretary of energy resources is hereby authorized to expend a sum not to exceed fifteen million dollars in the aggregate for the purpose of contracts to be entered into and grants to be awarded pursuant to section eleven of chapter twenty-five A of the General Laws. Except as otherwise determined by the general court, said sum shall be allocated from time to time by the secretary of energy

resources for the purposes of the energy audit program, the energy conservation improvement program, and the alternative energy property program. When expending such funds, the secretary shall take into consideration, among other relevant factors, the amount of available state and federal financial resources, the needs of each program with respect to public buildings and facilities, the volume of requests or expected requests from other entities for assistance pursuant to each program, the expected costs and public benefits of each program and, after information has become available from the energy audit program, the priorities and needs indicated by that information. Said fifteen million dollars may be expended on the buildings and facilities owned by counties, cities, towns, sewer districts and regional school districts in the commonwealth.

**SECTION 2.** 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 one 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 three years after the date of debt represented by the date that renewable notes were originally incurred. 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 3.** To meet the expenditures necessary in carrying out the provisions of section one of this act or to refinance notes issued as provided in section two, the state treasurer shall, upon 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 fifteen million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face Energy Conservation Bond, Act of 1987 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 be payable no later than June thirtieth, two thousand and eleven. The bonds and interest thereon issued under the authority of this section, notwithstanding any other provision of this act, shall be general obligations of the commonwealth.

**SECTION 4.** Section 11 of chapter 25A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out

the second paragraph and inserting in place thereof the following two paragraphs:-

Said secretary is hereby authorized and directed to establish an alternative energy property program to provide alternative energy sources for buildings and facilities owned by the commonwealth, its political subdivisions, public authorities and other public instrumentalities of the commonwealth and of its political subdivisions including, but not limited to, housing authorities and those buildings and facilities leased by the political subdivisions of the commonwealth for at least thirty years and which are used for the provision of local government services; provided, however, that the period of time remaining prior to the expiration of said lease shall not be less than twice the payback period, so-called, for any proposed alternative energy property program project and technology.

Prior to approving any payment under said program with respect to premises leased by a political subdivision of the commonwealth, the secretary shall certify that the terms of such lease are such that any benefit accruing to a private party from such financing is incidental to the public purpose served by such financing.

**SECTION 5.** The fourth paragraph of section 11 of said chapter 25A, as so appearing, is hereby amended by inserting after the second sentence the following sentence:- Any city, town or regional school district which does not provide the secretary with information relating to energy expenses incurred prior to the implementation of energy conservation projects or measures, or alternative energy property program projects or technologies for the purpose of monitoring energy savings resulting from such implementation shall repay not less than fifty per cent of such grant and the time period allowed for repayment shall not exceed ten years from the date of such grant.

**SECTION 6.** Said section 11 of said chapter 25A, as so appearing, is hereby further amended by inserting after the word "town", in lines 34 and 43 in each instance, the following words:- sewer district.,

Approved January 5, 1988.

---

**Chapter 671. AN ACT AUTHORIZING THE TOWN OF TEWKSBURY TO ESTABLISH A RESERVE POLICE FORCE.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of section thirteen A of chapter one hundred and forty-seven of the General Laws or any other general or special law to the contrary, the town of Tewksbury is hereby authorized to establish a reserve police force.

Said reserve police force shall not be subject to the provisions of section twelve of said chapter one hundred and forty-seven and none of the positions on said reserve police force shall be subject to the provisions of chapter thirty-one of the General Laws.

Approved January 5, 1988.

---

**Chapter 672. AN ACT AUTHORIZING THE TRANSFER OF CERTAIN PARCELS OF PARK LAND IN THE CITY OF LAWRENCE.**

Be it enacted, etc., as follows:

**SECTION 1.** The city of Lawrence is hereby authorized to transfer the care, custody and control of two certain parcels of park land located in said city, to the Lawrence Redevelopment Authority, and said authority is hereby authorized to transfer the care, custody and control of such parcels to other public entities for park, park roadway or related public recreational uses. Said two parcels of land are bounded and described as follows:

Parcel 1: Riley Park.

Part A: Beginning at a point in the northerly sideline of Wolcott Avenue at the intersection of the prolongation northerly of the westerly sideline of Tewksbury Street; thence running easterly by the northerly sideline of Wolcott Avenue two hundred fifty feet to a point (Station A); thence continuing easterly by said northerly sideline of Wolcott Avenue two hundred fifty feet to a point (Station B); thence continuing easterly by said northerly sideline of Wolcott Avenue one hundred feet to a point (Station C); thence continuing easterly by said northerly sideline of Wolcott Avenue three hundred twelve and 77/100 feet to a point (Station D); thence turning at an interior angle of 202° 30' 30" and continuing easterly by said northerly sideline of Wolcott Avenue three hundred ninety-two and 20/100 feet to a point (Station E); thence turning at an interior angle of 157° 29' 30" and continuing easterly by said northerly sideline of Wolcott Avenue seven hundred ten and 55/100 feet to a point (Station F); thence turning at an interior angle of 191° 59' 30" and continuing easterly by said northerly sideline of Wolcott Avenue eight hundred twenty-one and 44/100 feet to a point; thence turning at an interior angle of 90° and running northerly one hundred thirty-five feet to a point on the bank of Merrimack River; thence turning at an interior angle of 90° 13' 20" and running westerly, by said bank of Merrimack River, about eight hundred fifty and 83/100 feet to a point, said point being distant northerly one hundred forty-one and 40/100 feet from Station F, measuring at a right angle to the northerly sideline of Wolcott Avenue which is seven hundred ten and 55/100 feet in length; thence turning at an interior angle of 181° 21' 50" and continuing westerly, by

said bank of Merrimack River, seven hundred thirty and 98/100 feet to a point, said point being distant northerly three hundred thirteen feet from Station E, measuring at a right angle to the northerly sideline of Wolcott Avenue which is seven hundred ten and 55/100 in length; thence turning at an interior angle of 170 14" and continuing westerly, by said bank of Merrimack River, three hundred sixty-three and 13/100 feet to a point, said point being distant northerly one hundred eighty-seven feet from Station D, measuring at a right angle to the northerly sideline of Wolcott Avenue which is three hundred twelve and 77/100 feet in length; thence turning at an interior angle of 166 45' 10" and continuing westerly, by said bank of Merrimack River, three hundred seventeen and 6/100 feet to a point, said point being distant northerly one hundred thirty-five feet from Station C, measuring at right angles to the northerly sideline of Wolcott Avenue; thence turning at an interior angle of 170 8' 50" and continuing westerly, by said bank of Merrimack River, one hundred five and 95/100 feet to a point and said point being distant northerly one hundred feet from Station B, measuring at right angles to the northerly sideline of Wolcott Avenue; thence turning at an interior angle of 185 47' 35" and continuing westerly, by said bank of Merrimack River, two hundred fifty-seven and 10/100 feet to a point, said point being distant northerly forty feet from Station A, measuring at right angles to the northerly sideline of Wolcott Avenue, thence turning at an interior angle of 211 14' 25" and continuing westerly, by said bank of Merrimack River, two hundred sixty-two and 49/100 feet to a point; thence turning at an interior angle of 72 15' 20" and running southerly about one hundred twenty feet to the point of beginning, making an interior angle of 90 with the first described line. Containing four hundred sixty-five thousand eight hundred fifty-nine (465,859) square feet, more or less.

Part B: Beginning at the intersection of the easterly sideline of Coleman Street with the southerly sideline of Wolcott Avenue; thence running easterly by the said southerly sideline of Wolcott Avenue six hundred four and 30/100 feet to a point; thence turning at an interior angle of 168 0' 30" and continuing easterly by the said southerly sideline of Wolcott Avenue three hundred forty-four and 22/100 feet to the intersection of the said southerly sideline of Wolcott Avenue with the northwesterly sideline of Everett Street; thence turning at an interior angle of 31 13' 30" and running southwesterly by the said northwesterly sideline of Everett Street seven hundred eighty-four and 70/100 feet to a point; thence turning at an interior angle of 160 46' and running westerly by the northerly sideline of Everett Street one hundred fifty feet to a point; thence turning at an interior angle of 90 and running northerly by land now or late of Margaret A. Coughlin 100 feet to a point; thence turning at an interior angle of 270° and running westerly by said land now or late of Margaret A. Coughlin fifty feet to a point to the easterly sideline of Coleman Street; then turning at an interior angle of 90 and running northerly by the said easterly sideline of Coleman Street two hundred thirty feet to the point of beginning. Containing one hundred ninety-seven thousand seven hundred thirty-five (197,735) square feet, more or less.

Parcel 2:

A certain parcel of land shown at Lot No. 2 on a Plan entitled "Plan of Land located in Lawrence, MA prepared for the Greater Lawrence Boating Project, Inc., Date 3/19/80, Scale 1"=40'," recorded in the North Essex District Registry of Deeds as Plan No. 8587, more particularly bounded and described as follows:

Beginning at a point at the intersection of Wolcott Avenue, and Easton Street as shown on said Plan, thence running S47-01'-42"E one hundred ninety (190.00) feet; thence turning and running S42-59'-18"W one hundred (100.00) feet; thence turning and running S47-01'-42"E fifty (50.00) feet; thence turning and running S42-59'-18"W one hundred (100.00) feet; thence turning and running S47-01'-42"E five and 85/100 (5.85) feet; thence turning and running S65-06'-06"W fifty-three and 92/100 (53.92) feet; thence turning and running N47-01'-18"W thirty-five and 23/100 (35.23) feet; thence turning and running S42-59'-18"W one hundred six and 06/100 (106.06) feet; thence turning and running N26-22'-49"W three hundred seventy-three and 61/100 (373.61) feet; thence turning and running N78-22'-25"E two hundred seventy-five and 13/100 (275.13) feet to the point of beginning. Containing ninety thousand seven hundred and eighty-one square feet, more or less, all as shown on said Plan.

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

Approved January 6, 1988.

---

**Chapter 673. AN ACT FURTHER REGULATING THE MARTHA'S VINEYARD LAND BANK.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 1 of chapter 736 of the acts of 1985 is hereby amended by inserting after the definition of "Land bank commission" the following definition:-

"Legal representative", with respect to any person, shall mean any other person acting pursuant to a written power-of-attorney executed by such person; provided, however, that any affidavit attesting to the true and complete purchase price of real property, submitted to the land bank commission pursuant to section ten, may also be signed on behalf of such person by an attorney admitted to practice in the commonwealth.

**SECTION 2.** The definition of "Real property interest" in section 1 of said chapter 736 is hereby amended by inserting after the word "partnership", in line 11, the words:- unless any real property interest has been transferred to such corporation or partnership for the purpose of evading the fee imposed by section ten.

---

ACTS, 1987. – Chap. 673.

**SECTION 3.** The first paragraph of section 2 of said chapter 736 is hereby amended by adding the following sentence:- The land bank is hereby constituted a body politic and corporate and a public instrumentality and the exercise of the powers herein conferred upon the land bank shall be deemed to be the performance of an essential governmental function.

**SECTION 4.** The first sentence of section 3 of said chapter 736 is hereby amended by striking out, in line 2, the words ", a public body corporate,".

**SECTION 5.** Said section 3 of said chapter 736 is hereby further amended by striking out the fifth, sixth, seventh, eighth and ninth sentences and inserting in place thereof the following five sentences:- The land bank commission shall elect a chairman and a vice chairman from among its regular members; shall elect a secretary and a treasurer who may be the same person, but who need not be members of the land bank commission; and shall adopt, after holding a public hearing and after requesting recommendations from the town advisory board of each of the six member towns that comprise the commission, rules and regulations for conducting its internal affairs and procedural guidelines for carrying out its responsibilities under this act. The land bank commission shall also adopt a management plan for managing each of its land holdings in a manner consistent with section five. In preparing a management plan for any parcel of land, the land bank commission shall use, as guidelines, the open space and master plans, if any, of the town or towns in which such parcel is located and shall request the recommendations of the town advisory board of such town or towns; and the adoption or change of any such management plan shall be subject to the approval of at least two-thirds of the members of the town advisory board of each such town or towns. Decisions of the land bank commission shall be by majority vote of those present and voting at a meeting, and no business shall be transacted at any meeting unless a majority of the town representative members is present; provided that decisions to acquire interests in land and to request state approval of any proposed disposition of an interest in any parcel of land or of any change in its use shall require the affirmative vote of at least a majority of the town representative members of the land bank commission. The land bank commission shall keep accurate records of its meetings and actions and shall file an annual report which shall be distributed with the annual report of each member town.

**SECTION 6.** Section 4 of said chapter 736 is hereby amended by striking out, in line 14, the word "four" and inserting in place thereof the words:- a majority.

**SECTION 7.** Said section 4 of said chapter 736 is hereby further amended by striking out, in lines 28 to 31, inclusive, the words "; or of the county of Dukes County, but only after having been authorized to do



so in each instance by a two-thirds majority town meeting vote of each town in the county of Dukes County".

**SECTION 8.** Said section 4 of said chapter 736 is hereby further amended by striking out, in line 39, the word "and",– and by inserting after the word "five", in line 41, the following:– ; and (j) adopt such regulations and procedures as it deems necessary or appropriate, subject to the provisions of this act, regarding the use and investment of its funds and the keeping of records and accounts.

**SECTION 9.** Said chapter 736 is hereby further amended by inserting after section 4 the following seven sections:–

**Section 4A.** Each member town is hereby authorized to appropriate money to be deposited in the fund as provided in section eight or to provide funds to repay notes of such member town issued pursuant to section four C and, when authorized by a two-thirds vote as defined in section one of chapter forty-four of the General Laws, to incur debt of such member town for such purposes in accordance with the provisions of clause (3) of section seven of said chapter forty-four.

**Section 4B.** The land bank is hereby empowered to issue its bonds and notes, including notes in anticipation of bonds, for the purpose of acquiring land and interests in land as provided in section four. The proceeds of such bonds or notes may be used to pay, in whole or in part, acquisition costs; to provide reserves for debt service and other expenses; to pay consulting, appraisal, advisory and legal fees and costs incidental to the issuance and sale of such bonds or notes; to purchase, refund or renew bonds or notes previously issued; and to pay any other costs and expenses of the land bank necessary for the accomplishment of its purposes. Bonds or notes issued under this act shall be authorized by the land bank commission which shall have full power and authority to determine the amount, form, terms, conditions, provisions for the payment of interest and all other details thereof and to provide for their sale and issuance at such price and in such manner as the land bank commission shall determine, subject only to any limitations set forth in this act. Unless each member town shall have authorized by a two-thirds vote of a town meeting the pledging of the full faith and credit of such towns to secure an issue of bonds or notes of the land bank, all bonds or notes issued hereunder shall be payable solely from the fees and other revenues of the land bank pledged to their payment and shall not be deemed a pledge of the full faith and credit of any town in the county of Dukes County. Bonds and notes issued hereunder shall not be deemed a pledge of the full faith and credit of the county of Dukes County, the commonwealth or, except as provided in the preceding sentence in the case of the member towns, any political subdivision thereof or therein.

The land bank commission may enter into any agreements, including without limitation a loan agreement and a trust agreement, necessary to effectuate and to secure any bonds or notes issued by the land bank. Such agreements may pledge or assign, in whole or in part, the revenues and other money held or to be received by the land bank. Such

agreements may contain provisions for protecting and enforcing the rights, security and remedies of the holders of such bonds or notes, including, without limiting the generality of the foregoing, provisions defining defaults and providing for remedies in the event thereof which may include the acceleration of maturities and covenants setting forth the duties of, and limitations on, the land bank in relation to the custody, safeguarding, investment and application of money, the issuance of additional debt obligations, the use of any surplus proceeds of the borrowing, including any investment earnings thereon, and the establishment of special funds and reserves.

The pledge of any such agreement shall be valid and binding and shall be deemed continuously perfected for the purposes of the Uniform Commercial Code from the time when the pledge is made; the revenues, money, rights and proceeds so pledged and then held or thereafter acquired or received by the land bank shall immediately be subject to the lien of such pledge without any physical delivery or segregation thereof or further act; and the lien of any such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against any member town or the county of Dukes County, irrespective of whether such parties have notice thereof. No document by which a pledge is created need be filed or recorded except in the records of the land bank and no filing need be made under the Uniform Commercial Code.

The trustee with respect to any such trust agreement entered into pursuant to this section shall be a trust company or a bank having the powers of a trust company within the commonwealth. Any such trust agreement may provide that any money received thereunder may be held, deposited or invested by the trustee, notwithstanding the provisions of section eight, pending the disbursement thereof, in any deposits or investments which are lawful for the funds of savings banks and shall provide that any officer with whom or any bank or trust company with which such money shall be deposited shall act as trustee of such money and shall hold and apply the same for the purposes hereof and thereof, subject to such regulation or limitation as this act or such trust agreement may provide.

It shall be lawful for any bank or trust company within the commonwealth to act as depository of the proceeds of bonds or notes, revenues or other money hereunder and to furnish such indemnifying bonds or to pledge such security, if any, as may be required by the land bank commission. Any trust agreement entered into pursuant to this section may set forth the rights and remedies of the holders of any bonds or notes and of the trustee and may restrict the individual right of action by any such holders. In addition to the foregoing, any such trust agreement may contain such other provisions as the land bank commission may deem reasonable and proper. All expenses incurred in carrying out the provisions of such trust agreement may be (i) treated as part of the cost of operation of the land bank and (ii) paid from the revenues or other funds pledged or assigned to the payment of the principal of and the premium, if any, and interest on the bonds or notes or from any other funds available to the land bank. In addition to other

security provided herein or otherwise by law, bonds or notes issued under this section may be secured, in whole or in part, by insurance or by letters or lines of credit or other credit facilities issued to the land bank by any bank, trust company or other financial institution, within or without the commonwealth, and the land bank may pledge or assign any of its revenues as security for the reimbursement by the land bank to the issuers of such letters or lines of credit, insurance or credit facilities of any payments made thereunder.

Section 4C. If at any time any principal or interest is due or about to come due on any bonds or notes of the land bank to secure which the full faith and credit of the member towns shall have been pledged and funds to pay the same are not available, the land bank commission shall certify to each town treasurer and the selectmen of each member town the amount required to meet such obligations and the town treasurers shall thereupon pay over to the land bank the amount so certified from any funds in the treasury. The amount certified to and payable by each member town shall be determined by applying to the aggregate amount so certified a fraction the numerator of which shall be the amount of revenue derived by the land bank from the fee imposed by section ten upon the transfer of real property interests in such town during the period from the commencement of operations of the land bank to and including the last day of the month preceding the month in which such certification is made, and the denominator of which shall be the total amount of revenue derived from such fee upon the transfer of real property interests during such period in all the member towns whose full faith and credit has been pledged to secure such obligations. For the purpose of providing or restoring to the treasury the sums so paid over to the land bank, each town treasurer, with the approval of the selectmen, is authorized to incur debt outside the town's debt limit and issue notes therefor for a period not exceeding two years and to renew or refund the same from time to time until the town shall have received from the land bank sufficient funds to repay such notes and the interest thereon in full. Whenever the towns shall have been required to pay over any sums of money to the land bank under this section, the land bank shall be precluded from acquiring any additional property, or issuing any of its bonds or notes for purposes other than repaying the towns, until the land bank shall have repaid the towns in full for all sums paid to the land bank hereunder, including interest on any notes issued for such purpose, unless the towns shall have appropriated sufficient funds for such purpose at a town meeting or meetings.

Section 4D. Bonds and notes issued 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, trust companies in their commercial departments, savings banks, cooperative banks, banking associations, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds and notes 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 obligations of the commonwealth is now or may hereafter be authorized by law.

Section 4E. Notwithstanding any of the provisions of this act or any recitals in any bonds or notes issued under this act, all such bonds and notes shall be deemed to be investment securities under the Uniform Commercial Code.

Section 4F. Bonds and notes may be issued under this act without obtaining the consent of any department, division, commission, board, bureau or agency of any member town or of the county of Dukes County, except that the full faith and credit of any member town shall not be pledged for the payment of such bonds or notes unless such pledge shall have been authorized by the appropriate two-thirds vote or votes as provided in section four, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required therefor by this act. The validity of and security for any bonds and notes issued by the land bank shall not be affected by the existence or non-existence of any such consent or other proceedings, conditions or things.

Section 4G. The land bank and all its revenues, income and real and personal property used solely by the land bank in furtherance of its public purposes shall be exempt from taxation and from betterments and special assessments and the land bank shall not be required to pay any tax, excise or assessment to or for the commonwealth or any of its political subdivisions. Bonds and notes issued by the land bank, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be exempt from taxation within the commonwealth. The provisions of section twenty-seven C of chapter twenty-nine of the General Laws shall not apply to this section or any other provision of this chapter.

**SECTION 10.** Section 6 of said chapter 736 is hereby amended by inserting after the first sentence the following sentence:- Notwithstanding the foregoing, the land bank commission may make improvements to any land held for passive recreational use that are not inconsistent with such use.

**SECTION 11.** Section 8 of said chapter 736 is hereby amended by inserting after the second sentence the following sentence:- Grants or gifts of money or other assets to the land bank shall be expended only for the purposes of the grant or gift and subject to any restrictions or limitations imposed thereon by the grantor or donor thereof.

**SECTION 12.** Said section 8 of said chapter 736 is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- The county treasurer of said county shall prudently invest available assets of the fund in accordance with the regulations and procedures adopted by the land bank commission

pursuant to clause (j) of section four, and all income thereon shall accrue to the fund.

**SECTION 13.** Section 8A of said chapter 736 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Money in the individual town account of each member town may be expended by the land bank commission, subject to the approval of at least a majority of the members of the town advisory board of such town, for the purchase of land or interests in land permitted by this act, within or outside the borders of such town, or for any other purpose permitted by this act, including the payment of debt service on bonds or notes issued by the land bank hereunder. With the approval of at least two-thirds of the members of the town advisory board of any member town, an agreement entered into under section four B may pledge or assign in whole or in part, the revenues held in, or to be received for the account of, the individual town account of such town to secure any bonds or notes issued by the land bank for a purpose so approved by the town advisory board.

**SECTION 14.** Section 10 of said chapter 736 is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences:- There is hereby imposed a fee equal to two per cent of the purchase price upon the transfer of any real property interest in any real property situated in a member town or towns. The fee percentage may be reduced by a two-thirds vote in favor of such reduction at the annual town meetings of a majority of the member towns in a single calendar year; provided, however, that no reduction in the fee percentage shall take effect until all bonds and notes of the land bank issued prior thereto pursuant to section four B shall have been paid in full.

**SECTION 15.** Section 12 of said chapter 736 is hereby amended by striking out clause (m) and inserting in place thereof the following:-

(m) the first one hundred thousand dollars of the purchase price of a transfer made to a natural person who, or whose spouse, at the time of such transfer has at no time owned or possessed any real property interest as defined in section one either within or without any member town, provided that such person makes the real property interest which is the subject of the transfer his or her actual domicile within two years of the time of transfer; provided, further, that in the event of a subsequent transfer within five years of the transfer exempted from the fee under this subsection, other than the transfer of a mortgage to an institutional lender, the fee exempted shall become due, together with accumulated interest and penalties, and in addition to any fee otherwise due as a result of the subsequent transfer. The purchaser shall certify as to the foregoing, and the land bank commission shall attach to the deed a certificate which shall recite the fact that there is running with the land a lien equal to the amount of the fee exempted plus accumulated interest and penalties until such time as all conditions of this subsection

have been met. The land bank commission shall have the power, at any time and from time to time, to require any purchaser claiming the exemption provided by this subsection to furnish such evidence of compliance with the requirements of this subsection as the land bank commission shall deem necessary or appropriate. If any requirement or condition of this subsection is not met within the time specified, the amount of the fee exempted plus accumulated interest and penalties shall automatically become due and payable.

**SECTION 16.** Said chapter 736 is hereby further amended by inserting after section 14 the following section:-

**Section 14A.** This act, being necessary for the welfare of the member towns and the county of Dukes County and their inhabitants, shall be liberally construed to effect the purposes hereof.

**SECTION 17.** Section 15 of said chapter 736 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Any town that is a member of the land bank may withdraw therefrom by the affirmative vote of a majority of the voters at any regular or special town election; provided, however, that any real property interest held by the land bank and situated in a town that withdraws from the land bank shall continue to be held by the land bank until such time as the land bank is dissolved in accordance with this act; provided, further, that no town may withdraw from the land bank until payment in full of all bonds and notes issued by the land bank prior to receipt by the land bank commission of written notice that an election has been called by such town to vote upon the question of such withdrawal. Any town that withdraws from the land bank shall not be liable for debts and obligations incurred by the land bank subsequent to receipt of such notice by the land bank commission. A town that has so withdrawn may renew its membership by the affirmative vote of a majority of the voters at any regular or special town election at which the question of acceptance has been placed on the ballot. Upon the withdrawal of a town from the land bank, all funds then held in the account established for such town pursuant to section eight A, after payment or provision for payment has been made in full on all bonds and notes issued by the land bank prior to receipt by the land bank commission of written notice that an election has been called by such town to vote upon the question of such withdrawal, shall be transferred to the fund established by section eight.

**SECTION 18.** The second paragraph of said section 15 of said chapter 736 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- If the member towns in the land bank are reduced to a number less than three the land bank shall be dissolved; provided, however, that the fee imposed by section ten shall continue to be imposed in each member town until all bonds and notes of the land bank issued while such town was a member have been paid in full, and the land bank shall continue in existence during such time for

---

**ACTS, 1987. - Chap. 674.**

the sole purpose of administering and collecting such fee.

**SECTION 19.** Said second paragraph of said section 15 of said chapter 736 is hereby further amended by striking out the fifth sentence and inserting in place thereof the following sentence:- Funds held by the land bank shall be transferred to the towns of the county of Dukes County as hereinafter provided, to be held in trust for the purpose of holding and managing the land transferred to the towns pursuant to this paragraph and other land held under the control and management of the local conservation commissions of the towns.

**SECTION 20.** This act shall take effect upon its passage, or upon its approval by two-thirds of the member towns by the affirmative vote of a majority of the voters of such towns at any annual or special town meeting, whichever is the last to occur; provided that such approval may take place either before or after the passage of this act.

Approved January 6, 1988.

---

**Chapter 674. AN ACT MAKING AN APPROPRIATION TO FUND A CERTAIN SUPPLEMENTAL AGREEMENT BETWEEN THE COMMONWEALTH AND THE ALLIANCE, AFSCME/SEIU, AFL-CIO 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 the memorandum of understanding signed March twenty-third, nineteen hundred and eighty-seven, between the commonwealth and the Alliance, AFSCME/SEIU, AFL-CIO for certain class reallocations, pursuant to Article 17A of the collective bargaining agreement between the parties, 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 ninety-nine of the acts of nineteen hundred and eighty-seven.

**SECTION 2.**

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.**

Collective Bargaining.

Item

1599-3637 For a reserve to meet the cost of salary adjustments and other employee economic benefits authorized by a certain memoran-

dum of understanding 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 supplemental 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 supplemental agreement then in effect which would otherwise cover said positions; provided, further, that the secretary is hereby authorized to transfer from the sum appropriated herein to other items of appropriation for the fiscal year nineteen hundred and eighty-eight such amounts as are necessary to meet the costs of said adjustments and benefits for fiscal years nineteen hundred and eighty-seven and nineteen hundred and eighty-eight 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 supplemental 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; provided, further, that no transfers shall be made as authorized herein without prior notification of the house and senate committees on ways and means; and provided, further, that the secretary of administration and finance should implement said salary adjustments and



---

**ACTS, 1987. – Chap. 675.**

benefits within sixty days of the effective  
date of this act \$162,865

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

Approved January 6, 1988.

---

**Chapter 675. AN ACT RELATIVE TO THE RECORDING OF  
FEDERAL LIENS.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately require the recording of federal tax liens and other federal liens in the registry of deeds of the county in which the real property or fixtures against which the lien is assessed are located, 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 36 of the General Laws is hereby amended by striking out section 24, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:—

Section 24. Notice of a federal tax lien which may be filed in the commonwealth or any other federal lien on any real property or fixtures shall be filed with the register of deeds of the county in which such real property or fixtures are situated. Said register shall, whether the title of the real property involved is registered or unregistered, record such notice, the recording fee for which shall be five dollars. Each register of deeds shall cause competent persons to prepare and keep current an alphabetical listing of all taxpayers against whom such a federal tax lien or other federal lien has been recorded commencing with the year nineteen hundred and fifteen. Certificates of discharge or certificates releasing specific property from such liens, or other notices affecting such liens shall be filed with the same register of deeds with whom the notice of lien was filed. The register of deeds shall, for a like fee, record any such certificates or notices and make a note of reference thereto on the margin of the record of the notice of lien referred to therein. Certification of notices of liens, certificates discharging liens, certificates releasing specific property from liens, or other notices affecting federal liens upon real property or fixtures by the secretary of the treasury of the United States or his delegate, or by any official or entity of the United States responsible for filing or certifying of any other lien shall entitle them to be recorded and no other attestation, certification or acknowledgement shall be necessary. The register of deeds may bill the district directors of internal revenue or other appropriate federal officials on a monthly basis for documents filed by them.

Approved January 6, 1988.

**Chapter 676. AN ACT MAKING APPROPRIATIONS TO FUND  
CERTAIN COLLECTIVE BARGAINING COSTS.**

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 board of regents of higher education and the Massachusetts Teachers Association/Massachusetts Community College Council, and by the supplemental agreement between the commonwealth and the National Association of Government Employees, Local R1-207 (Unit 6) for a certain class reallocation pursuant to Article 17A of the collective bargaining agreement between the parties, 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 one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven.

**SECTION 2.**

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.**

Collective Bargaining.

**Item**

1599-3641 For a reserve to meet the cost of salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the board of regents of higher education and the Massachusetts Teachers Association/Massachusetts Community College Council, 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-eight such amounts as are necessary to meet the cost of said adjustments and benefits for the fiscal years nineteen hundred and eighty-seven and nineteen hundred and eighty-eight 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

**Chapter 676. AN ACT MAKING APPROPRIATIONS TO FUND CERTAIN COLLECTIVE BARGAINING COSTS.**

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 board of regents of higher education and the Massachusetts Teachers Association/Massachusetts Community College Council, and by the supplemental agreement between the commonwealth and the National Association of Government Employees, Local R1-207 (Unit 6) for a certain class reallocation pursuant to Article 17A of the collective bargaining agreement between the parties, 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 one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven.

**SECTION 2.**

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.**

Collective Bargaining.

**Item**

1599-3641 For a reserve to meet the cost of salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the board of regents of higher education and the Massachusetts Teachers Association/Massachusetts Community College Council, 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-eight such amounts as are necessary to meet the cost of said adjustments and benefits for the fiscal years nineteen hundred and eighty-seven and nineteen hundred and eighty-eight 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

---

**ACTS, 1987. - Chap. 677.**

of the house and senate committees on ways and means; provided that the secretary of administration and finance should implement salary adjustment and benefits within sixty days of the effective date of this act \$399,000

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

Approved January 6, 1988.

---

**Chapter 677. AN ACT EXTENDING THE TIME FOR CERTAIN RESIDENTIAL TAX CREDITS FOR RENEWABLE ENERGY SOURCE PROPERTY.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the extension of time for certain residential tax credits for renewable energy source 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:

**SECTION 1.** Section 6 of chapter 62 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out subsection (d) and inserting in place thereof the following subsection:-

(d) any owner or tenant of residential property located in the commonwealth who is not a dependent of another taxpayer and who occupies said property as his principal residence, shall be allowed a credit equal to twenty-five per cent of the net expenditure for a renewable energy source property or one thousand dollars, whichever is lesser; provided, however, that in the case of a newly constructed residence the credit shall be available to the original owner/occupant. Any taxpayer entitled to this credit for any taxable year, the amount of which exceeds his total tax due for the then current taxable year, may carry over the excess amount, as reduced from year to year, and apply it to his tax liability for any one or more of the next succeeding three taxable years; provided, however, that in no taxable year may the amount of the credit allowed exceed the total tax due of the taxpayer for the relevant taxable year. Joint owners of a residential property shall share any credit available to the property under this subsection in the same proportion as their ownership interest.

As used in this section the following words shall have the following meanings:

(I) "Renewable energy source property", property, including materials and component parts thereof separately purchased and assembled by such residential property owner;

(A) which, when installed in connection with a dwelling, transmits or uses:

(1) solar energy or any other form of renewable energy which the commissioner specified by regulations, for the purpose of heating or cooling such dwelling or providing hot water for use within such dwelling, or produces electricity for such purposes; or

(2) wind energy for nonbusiness residential purposes;

(B) the original use of which begins with the taxpayer;

(C) which can reasonably be expected to remain in operation for at least five years; and

(D) which meets the performance and quality standards, if any, which:

(i) have been prescribed by the commissioner by regulation; and

(ii) are in effect at the time of the acquisition of the property.

(II) "Net expenditure", the total of the purchase price for any renewable energy source property, plus installation cost less any credits received pursuant to the Internal Revenue Code and less grants or rebates received from the United States Department of Housing and Urban Development.

**SECTION 2.** Said section 6 of said chapter 62 is hereby further amended by striking out subsection (d), as amended by section one of this act, and inserting in place thereof the following subsection:-

(d) any owner or tenant of residential property located in the commonwealth who is not a dependent of another taxpayer and who occupies said property as his principal residence, shall be allowed a credit equal to fifteen per cent of the net expenditure for a renewable energy source property or one thousand dollars, whichever is lesser; provided, however, that in the case of a newly constructed residence the credit shall be available to the original owner/occupant. Any taxpayer entitled to this credit for any taxable year, the amount of which exceeds his total tax due for the then current taxable year, may carry over the excess amount, as reduced from year to year, and apply it to his tax liability for any one or more of the next succeeding three taxable years; provided, however, that in no taxable year may the amount of the credit allowed exceed the total tax due of the taxpayer for the relevant taxable year. Joint owners of a residential property shall share any credit available to the property under this subsection in the same proportion as their ownership interest.

As used in this section the following words shall have the following meanings:

(I) "Renewable energy source property", property, including materials and component parts thereof, separately purchased and assembled by such residential property owner;

(A) which, when installed in connection with a dwelling, transmits or uses:

(1) solar energy or any other form of renewable energy which the commissioner specified by regulations, for the purpose of heating or cooling such dwelling or providing hot water for use within such dwelling, or produces electricity for such purposes, or

(2) wind energy for nonbusiness residential purposes;

(B) the original use of which begins with the taxpayer;

---

**ACTS, 1987. – Chap. 678.**

(C) which can reasonably be expected to remain in operation for at least five years; and

(D) which meets the performance and quality standards, if any, which:

(i) have been prescribed by the commissioner by regulation; and

(ii) are in effect at the time of the acquisition of the property.

(II) "Net expenditure", the total of the purchase price for any renewable energy source property, plus installation cost less any credits received pursuant to the Internal Revenue Code and less grants or rebates received from the United States Department of Housing and Urban Development.

**SECTION 3.** Section 35 of chapter 796 of the acts of 1979 is hereby amended by striking out the first sentence, as most recently amended by section 1 of chapter 708 of the acts of 1985, and inserting in place thereof the following sentence:- Section nine shall take effect as of January first, nineteen hundred and seventy-nine and shall not be applicable to tax years commencing after December thirty-first, nineteen hundred and eighty-eight.

**SECTION 4.** The provisions of section one of this act shall be applicable to tax years commencing after December thirty-first, nineteen hundred and eighty-eight and before January first, nineteen hundred and ninety-one.

**SECTION 5.** The provisions of section two of this act shall be applicable to tax years commencing after December thirty-first, nineteen hundred and ninety.

Approved January 6, 1988.

---

**Chapter 678. AN ACT AUTHORIZING THE CONSTRUCTION OF A COMPREHENSIVE GERIATRIC CARE CENTER TO REPLACE CUSHING HOSPITAL IN THE TOWN OF FRAMINGHAM.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the construction of a comprehensive geriatric care center to replace the Cushing Hospital in the town of Framingham, 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 is hereby authorized to undertake such planning and study as is necessary to create an integrated development district, including facilities and improvements thereon, at the present site of the

Cushing Hospital in the town of Framingham, for the construction of a replacement public health hospital known as the Massachusetts Geriatric Center, hereinafter referred to as the "Center", for the department of public health, on an approximately thirteen-acre parcel, hereinafter referred to as "Parcel one", and for the construction of state-assisted elderly housing and mixed-income family housing and open space, recreation and other uses compatible with the residential character of the area on an approximately eighty-eight acre parcel, hereinafter referred to as "Parcel two".

Parcel one and Parcel two are bounded and described as follows:

Parcel one:

A certain parcel of land located on the westerly line of West Road in Framingham, Middlesex County, Massachusetts, excepted from Parcel two, and bounded and described as follows:

Beginning at a point to be located at the intersection of the westerly line of West Road with the northerly line of "F" Road; thence running north- westerly along the easterly line of West Road 760 feet, more or less, to a point on the southerly line of "D" Road; thence turning at a 90 degree angle and running northeasterly along the southerly line of "D" Road 730 feet, more or less, to a point; thence turning at a 90 degree angle and running southeasterly along the center line of an existing hospital building 760 feet, more or less, to a point in the northerly line of "F" Road, thence turning at a 90 degree angle and running southwesterly along the northerly line of "F" Road 730 feet, more or less, to the point of the beginning. Said Parcel one contains approximately thirteen acres of land as shown on the above referenced plan, the precise boundaries of which shall be determined by the studies prepared pursuant to section two.

Parcel two:

A certain parcel of land located on the westerly line of West Road and the westerly line of Dudley Road in Framingham, Middlesex County, Massachusetts, and bounded and described as follows:

Beginning a point designated by a stone monument on the westerly line of Dudley Road said point being the northeasterly corner of the premises herein described; thence running southeasterly along the westerly line of Dudley Road a distance of 1744.47 feet to a point at the intersection of the westerly line of Dudley Road and the southerly line of South Road; thence turning at a point on the southerly line of South Road and running southwesterly along South Road a distance of 965 feet, more or less, to a point; thence turning and running southeasterly a distance of 535 feet, more or less, to a point; thence turning and running southwesterly a distance of 985 feet, more or less, to a point on the easterly line of Winter Street; thence turning and running northeasterly along the easterly line of Winter Street a distance of 120 feet, more or less, to a

point; thence turning and running northeasterly a distance of 220 feet, more or less, to a point; thence turning and running northwesterly a distance of 200 feet, more or less, to a point; thence turning and running southwesterly a distance of 220 feet, more or less, to a point on the easterly line of Winter Street; thence turning and running northwesterly along the easterly line of Winter Street a distance of 1090 feet, more or less, to a point; thence turning and running northeasterly a distance of 150 feet, more or less, to a point on the westerly line of West Road; thence turning and running northwesterly along the westerly line of West Road a distance of 1680 feet, more or less, to a point at the intersection of westerly line of West Road with the southerly line of North Road; thence crossing North Road and running northeasterly 710 feet, more or less, to a point; thence turning and running southeasterly 760 feet, more or less, to a point; thence turning and running easterly 180 feet, more or less, to a point; thence turning and running southeasterly 190 feet, more or less, to a point on the easterly line of Dudley Road, said point being the point of beginning.

The above described parcel, exclusive of Parcel one, contains approximately 88 acres of land and is shown on a plan entitled "Existing Conditions, Site Parcels" prepared by HFMH Architects, Inc. on file with the division of capital planning and operations. The precise boundaries of the said Parcel two shall be determined by the studies prepared pursuant to section two. Excepting from both Parcel one and Parcel two all lands contained within public ways owned by either the commonwealth or the town of Framingham.

**SECTION 2.** Said deputy commissioner is hereby authorized to expend the sum of forty-two million dollars for studies, design, preparation of plans, and construction of the center on Parcel one, and to expend an additional sum of five million dollars to demolish existing structures and building foundations and to otherwise prepare Parcel two for development and render said parcel safe from physical constraint and environmental hazard. Any capital expenditure authorized in this act shall be exempt from the provisions of sections twenty-five C to twenty-five G, inclusive, of chapter one hundred and eleven of the General Laws or any other general or special law requiring a determination of need.

**SECTION 3.** Said deputy commissioner is hereby authorized to expend the sum of five hundred thousand dollars to develop a master plan for the reuse of Parcel two for elderly and mixed income family housing and open space, recreation and other uses compatible with the residential character of the area to evaluate alternative proposals, and to negotiate and monitor land disposition agreements in accordance with a memorandum of agreement by and among the executive office of administration and finance, the division of capital planning and operations, the executive office of human services and the department of public health. Such memorandum shall provide the basis for a planning process, including the formation of a citizens advisory committee of up to fifteen



members, hereinafter referred to as "the committee", comprised of residents of the town of Framingham, housing development experts, design and planning professionals and other participants which the deputy commissioner, with the advice of elected officials, deems appropriate. The committee shall include state and local elected officials from the district as ex-officio members. The deputy commissioner shall consider development guidelines, which the committee shall prepare for the reuse of Parcel two, for elderly, family, and other mixed-income housing, and open space, recreation, and other uses compatible with the residential character of the area as the committee deems appropriate. Said guidelines shall be advisory only and in no event shall the deputy commissioner delegate his legal authority to the committee.

**SECTION 4.** Said deputy commissioner is hereby authorized, subject to the provisions of section forty E to forty J, inclusive, of chapter seven of the General Laws, to sell and convey by deed approved as to form by the attorney general, Parcel two to an entity or entities, hereinafter referred to as "the developer", for the purpose of developing affordable housing, including a minimum of forty units of state-assisted elderly housing, family housing, and open space, recreation, and other uses compatible with the residential area, said elderly housing to be located in proximity to the center, integrated into the overall master plan, and compatible with the committee's development guidelines.

**SECTION 5.** Pursuant to the provisions of this section and sections forty E to forty J, inclusive, of chapter seven of the General Laws, the deputy commissioner is hereby authorized to solicit, evaluate, and select development proposals and enter into land disposition agreements between said division of capital planning and operations and the developer.

Prior to issuing a request for proposals pursuant to this section, the deputy commissioner shall undertake as part of the master plan such studies as are necessary to determine the economic feasibility of the terms and conditions, including selection criteria, set forth in the request for proposals.

The deputy commissioner shall issue a request for proposals. The request for proposals shall specify:

- (1) the minimum number of housing units by type, including, but not limited to, elderly and family housing to be provided;
- (2) if the deputy commissioner has determined the minimum or maximum space, or both, to be provided for other development uses consistent with the purposes of this act, such minimum or maximum space requirements;
- (3) a listing and description of uses determined by the deputy commissioner to be infeasible or inconsistent with the purposes of this act.

Taking into consideration the proposed price and the evaluations based on the criteria set forth in the request for proposals, the deputy commissioner shall determine the responsible and responsive developer

submitting the most advantageous proposal. The deputy commissioner may condition disposition of the parcel described in section one on the negotiation of revisions in the development proposal submitted by the selected developer. The deputy commissioner may reject any and all proposals if he determines that rejection is in the best interests of the commonwealth.

If the deputy commissioner selects a developer who did not offer the highest price, the deputy commissioner shall include a justification for such decision in the notification required by section forty H of chapter seven of the General Laws. The deputy commissioner shall maintain a written record in reasonable detail of evaluations and negotiations undertaken pursuant to this act, and shall retain such record with the proposals in accordance with said section forty H.

**SECTION 6.** The disposition of Parcel two shall be subject to the following terms and conditions:

(a) among other criteria in selecting the developer, the deputy commissioner shall encourage and consider proposals that exceed the minimum six per cent requirement for on-site housing opportunities for department of mental health clients;

(b) future development shall be in accordance with the master plan and with the center to be constructed on Parcel one; and

(c) tenant selection for the elderly housing units shall be in accordance with state elderly congregate housing procedures regarding regional outreach and consideration of applicants' medical condition.

**SECTION 7.** Said deputy commissioner shall, thirty days before the execution of any agreement or agreements pertaining to Parcel two authorized by this act, or any subsequent amendment thereof, submit the agreement or agreements or amendment to the committees on state administration and ways and means. The deputy commissioner shall also submit the agreement or agreements or amendments thirty days before execution to the inspector general for his review and comment within fifteen working days of his receipt of any agreement or amendment. The agreement or agreements shall include, but not be limited to, the following conditions:

(a) provision that the developer set aside a minimum of six per cent of the total number of housing units for clients of the department of mental health, so long as the commissioner of the department of mental health certifies that such need exists;

(b) affirmative action provisions as determined appropriate by the deputy commissioner for jobs and business participation relative to minorities, women and town of Framingham residents during construction and as a permanent feature of the development;

(c) appropriate restrictions prohibiting discrimination in employment and in the sale or lease of housing units on the basis of race, sex, age, national origin, religion or handicap, and appropriate fair housing provisions;

(d) provisions for the assumption by the developer of various

obligations for providing public services and improvements on the property in accordance with standards established in the master plan, as reasonably determined by the deputy commissioner;

(e) provisions for preference to eligible Framingham residents and eligible employees of the Cushing Center in the allocations of affordable housing units developed on the site and consistent with appropriate regulations promulgated by the executive office of communities and development; and

(f) remedies on behalf of the commonwealth in the event the developer fails to fulfill his obligation as set forth in the land disposition agreement.

**SECTION 8.** The amount of consideration for the sale or lease of Parcel two shall be determined pursuant to sections forty F and forty H of chapter seven of the General Laws. The consideration for said Parcel two shall take into account the developer's obligations required by this act, the master plan, and the agreement.

**SECTION 9.** Said deputy commissioner is hereby authorized to acquire by transfer, lease or eminent domain taking, to retain or grant, or to accept from the developer any and all rights of way and easements across Parcel two as required by and consistent with the master plan, for purposes of access, construction, and installation and maintenance of utilities.

**SECTION 10.** To meet the expenditures necessary in carrying out the provisions of sections two and three of this act the state treasurer shall, upon 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 forty-seven million five hundred thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Cushing Hospital Development Loan, Act of 1937, 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 thirteen.

Bonds and interest thereon issued under authority of this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

**SECTION 11.** 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 and three 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

---

ACTS, 1987. - Chap. 679.

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, two thousand and one.

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.

Approved January 6, 1988.

---

**Chapter 679. AN ACT MAKING AN APPROPRIATION TO FUND A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE BOARD OF REGENTS OF HIGHER EDUCATION AND THE SOUTHEASTERN MASSACHUSETTS UNIVERSITY FACULTY FEDERATION, LOCAL 1895, AFL-CIO.**

Be it enacted, etc., as follows:

**SECTION 1.** To provide for the cost of salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the board of regents of higher education and the Southeastern Massachusetts University Faculty Federation, Local 1895, AFL-CIO, the sum set forth in section two of this act 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 ninety-nine of the acts of nineteen hundred and eighty-seven.

**SECTION 2.**

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.**  
Collective Bargaining.

Item

1599-3644 For a reserve to meet the cost of salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the board of regents of higher education and the Southeastern Massachusetts University Faculty Federation, Local 1895, AFL-CIO, 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

---

**ACTS, 1987. - Chap. 680.**

fiscal year nineteen hundred and eighty-eight such amounts as are necessary to meet the costs of said adjustments and benefits for the fiscal years nineteen hundred and eighty-seven and nineteen hundred and eighty-eight 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 payment of any amounts necessary to meet the cost of said adjustments and benefits; and provided further, that no transfers shall be made as authorized herein without prior notification of the house and senate committees on ways and means; provided that the secretary of administration and finance should implement said salary adjustment and benefits within sixty days of the effective date of this act

\$3,358,680

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

Approved January 6, 1988.

---

**Chapter 680. AN ACT FURTHER REGULATING THE CONDUCT OF HORSE RACING.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the continuation of the horse racing industry 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.** Section 2 of chapter 128A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding,

after the last paragraph, the following paragraphs:-

Notwithstanding the foregoing provisions of this section, within five days of the effective date of this act, the commission shall require any person desiring to conduct a running horse or harness horse racing meeting within the commonwealth to file a supplementary application to state the days during calendar year nineteen hundred and eighty-nine on which such applicant intends to conduct a running horse or harness horse racing meeting. Said applicant shall file the supplementary application required by the commission within five days of receipt of the commission's request.

Within three days of receipt of such supplementary application, the commission shall (a) recall any license previously issued to a running horse or harness horse licensee pursuant to an application filed by such licensee on or before October first, nineteen hundred and eighty-seven, (b) issue to the licensee a license requiring the licensee to conduct such a running horse or harness horse racing meeting during calendar years nineteen hundred and eighty-eight and nineteen hundred and eighty-nine and (c) attach to such license conditions as provided for under section two of this act.

No other public hearing need be held on any such supplementary application filed pursuant to the first paragraph of this section if a public hearing was held on the original application filed by the licensee on or before October first nineteen hundred and eighty-seven. Any person or entity licensed pursuant to sections two and three of chapter one hundred and twenty-eight A, as appearing in the 1986 Official Edition, shall be subject to the provisions of chapter one hundred and fifty-one B of the said Official Edition. The chairman shall take such steps and impose such sanctions as may be appropriate to ensure enforcement.

**SECTION 2.** Section 3 of chapter 128A, as amended by said chapter 580, is hereby further amended by inserting, before the last paragraph, the following paragraphs:-

Before issuing a license to conduct a running horse or a harness horse racing meeting, the commission may impose conditions to be met by the licensee during the term of the license. For the violation of any condition attached to such a license by the commission as to which a promise to perform has been executed pursuant to subsection (a) below, and after a hearing conducted in accordance with the provisions of chapter thirty A of the General Laws, the commission shall impose upon such running horse or harness horse licensee a fine not to exceed ten thousand dollars a day for each day that the violation remains uncured; provided, that the commission may impose upon such a licensee a fine of fifteen thousand dollars for each performance the licensee fails to conduct without prior authorization from the commission. Such conditions may include, but shall not be limited to the following:

(a) The commission shall require that an applicant execute a promise to undertake, during the term of the license, specific operations designated by the commission in the areas of maintenance, im-

provements, services and security, and to execute a promise to conduct all performances on all days awarded under the license;

(b) The commission shall require an applicant to deliver to the commission a bond, duly executed, with surety approved by the commission and payable to the commission in the amount of one hundred and twenty-five thousand dollars, such bond to secure the payments of any fines imposed by the commission against the licensee during the term of the license, provided, however, that the licensee shall deliver to the commission a new bond, in the same amount, once the original bond in the amount of one hundred and twenty-five thousand dollars has been exhausted;

(c) The commission shall require that an applicant obtain a duly executed guaranty for the lessors of a running horse or harness horse race track if the applicant is to be the lessee of such a race track, such guarantee to be given for the specific purpose of securing the payment of fines assessed by the commission against the lessee-licensee;

(d) Every six months during the term of any license issued by the commission to a running horse or harness horse licensee, the commission shall require such licensee to submit, and such licensee shall submit, the following information; all current records of income and expenses and said records for the prior six months, all actual and proposed capital expenditures, all architectural and engineering studies, plans and drawings, a list of all employees by job category and duty, all rental agreements and leases, a list of all salaries, bonuses and dividends paid to corporate officers and the aggregate amount of distributions of dividends to shareholders.

No fine or other liability may be imposed for a violation of a condition imposed pursuant to this section resulting from any cause or causes beyond the control of the licensee, including but not limited to, labor disputes, labor shortages which are not the result of any act of the licensee, horsemen's boycotts, inability to fill racing cards which is not the result of any act of the licensee, fire or other casualty, accidents, adverse weather conditions, orders or regulations of any federal, state, county or municipal authority and the like; nor shall a fine be imposed for the cancellation of a performance by the licensee resulting from a good faith determination that track conditions were such that the health, welfare and safety of horsemen, patrons, employees or horses would be endangered by conducting a performance. No fine shall be imposed pursuant to this section after the revocation by the commission of any license.

Notwithstanding the foregoing provisions of this section, in the event this act is amended to reduce the licensee's share of the total amount deposited by patrons wagering at a running horse or harness horse meeting, or if this act is otherwise amended and the licensee is materially and adversely affected thereby, the licensee may relinquish its license and in such event no fine may be imposed pursuant to this section after the date of receipt by the commission of the licensee's written notification of its intent to relinquish its license.

A running horse or harness horse licensee may, within three days of

written notification from the commission of the conditions to be attached to a license, refuse to accept such license, and in the event of such refusal to accept a license, the penalty provisions of this section shall not apply.

**SECTION 3.** Section 5 of chapter 128A as amended by section 9 of chapter 580 of the acts of 1985, is hereby further amended by adding after the third paragraph, the following paragraph:-

Notwithstanding any of the foregoing provisions of this section, in the event live racing has to be cancelled on days awarded by the commission as a result of weather conditions or other emergency, a running horse or harness horse licensee may on such days, upon approval of the commission and as may be permitted under federal law, televise and accept wagers on such races in substitution of live performances; provided, however, that a licensee shall not televise and accept wagers on such races in substitution of more than ten performances within a calendar year.

**SECTION 4.** Chapter 128A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking section 11B in its entirety and inserting in place thereof the following section:-

Section 11B. No person holding title to or having a substantial interest in a race track property, and no person who has been granted a license to conduct a horse or dog racing meeting, and an officer, director, partner or employee of a corporation, association, trust or partnership holding such title, or having such substantial interest, or holding such a license, or having any substantial financial interest in such corporation, association, trust or partnership shall race or cause to be raced any horse or dog in which he or any member of his immediate family has any ownership or interest, either as owner, part-owner, lessee or agent at any meeting where horse or dog racing is conducted under such license. As used in this section, "substantial interest" shall mean an ownership or interest, direct or indirect, of ten per cent or more in said corporation, association, trust or partnership; and "immediate family" shall mean the husband or wife of any officer, director, partner or employee of such corporation, association, trust or partnership and their children, their parents, their brothers and sisters.

Violations of this section shall be sufficient cause for suspension or revocation of any such license granted by the commission.

**SECTION 5.** Chapter 128A of the General Laws is hereby amended by adding the following fifteen sections:-

Section 17. The following words or terms as used in sections seventeen to thirty-two, inclusive, shall have the following meanings, unless a different meaning clearly appears from the context:

"Act" means the Massachusetts Horse Racing Authority Law.

"Authority" means the Massachusetts Horse Racing Authority created by section three of this act.

"Bonds" means bonds issued by the Authority pursuant to this act.



"Projects" means and includes any project which the Authority is authorized to undertake pursuant to this act.

"Notes" means notes issued by the Authority pursuant to the act.

"Commonwealth" means the state of Massachusetts.

"Racing Commission" means the Massachusetts Racing Commission.

"Revenues" all charges and other receipts derived by the Authority from the operation of racetrack facilities and from all other activities or properties of the Authority including, without limiting the generality of the foregoing, proceeds of grants, gifts or appropriations to the Authority investment earnings and proceeds of insurance or condemnation, and the sale or other disposition of real or personal property.

"Racing Meeting" shall include every meeting within the commonwealth where horses are raced and where any form of betting or wagering on the speed or ability of horses shall be permitted, but shall not include any meeting where no such betting or wagering is permitted even though horses or their owners, are awarded certificates, ribbons, premiums, purses, prizes or a portion of gate receipts for speed or ability shown.

"Race Track" shall include the track grounds, auditorium, amphitheatre and/or bleachers, if any, and adjacent places used in connection therewith, where a horse racing meeting may be held.

"Advisory Board" the advisory board established by section twenty-eight.

Section 18. There is hereby established and placed in the executive office for administration and finance a body politic and corporate to be known as the Massachusetts Horse Racing Authority, which shall not be subject to the supervision or control of the executive office for administration and finance or any department, commission, board, bureau or agency of the commonwealth except to the extent and in the manner provided in this act. The Authority is hereby constituted a public instrumentality and the exercise by the Authority of the powers conferred by this act shall be deemed and held to be the performance of an essential public function.

The Authority shall consist of five members, who shall be appointed as provided hereunder. Two members shall be appointed by the governor, one member shall be appointed by the treasurer and receiver-general of the commonwealth, one member shall be appointed by the state auditor, and one of whom shall be appointed by a majority vote of the advisory board established by subsection twenty-eight. No member of the advisory board shall be eligible for appointment as a member of the Authority. All members shall continue in office for a term of six years and until his successor shall be duly appointed and qualified except that any person appointed to fill a vacancy shall serve only for the unexpired term. No member of the Authority shall be eligible for reappointment. Each member of the Authority may be removed by the governor, if appointed by the governor, or the treasurer and receiver-general, or by the state auditor if appointed by the state auditor, for misfeasance, malfeasance or willful neglect of duty, but only after reasonable notice

and a public hearing unless the same are in writing expressly waived. Each member of the Authority before entering upon his duties shall take an oath before the governor to administer the duties of his office faithfully and impartially, and a record of such oaths shall be filed in the office of the secretary of the commonwealth.

The members of the Authority shall serve without compensation but shall be reimbursed for all expenses reasonably incurred by them in the performance of their duties.

The Authority shall elect a secretary and a treasurer, who may be the same person, and may elect an assistant secretary or an assistant treasurer, or both, in which case they may be the same person, who need not be a member of the Authority. The secretary shall keep a record of the proceeds of the Authority and shall be the custodian of all books, documents and papers filed with the Authority and of the minute book or journal of the Authority and of its official seal. The secretary and assistant secretary, if any, shall each have authority to cause copies to be made of all minutes and other records and documents of the Authority and to give certificates under the official seal of the Authority to the effect that such copies are true copies and all persons dealing with the Authority may rely upon such certificates.

The Authority shall provide for regular and special meetings. A majority of the Authority shall constitute a quorum and unless a greater number is required by the by-laws of the Authority, the act of the majority of the full membership of the Authority shall be deemed an act of the Authority.

No member, agent or employee of the Authority shall, directly or indirectly have any financial interest in any property to be included in, or any contract for property or materials to be furnished or used in connection with, a project. Whoever violates any provisions of the preceding sentence shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or imprisonment for not more than one year, or both.

No member of the Authority nor any employee of the Authority shall race or caused to be raced any horse in which he or any member of his immediate family has any ownership interest, either as owner, part-owner, lessee or agent at any meeting where horse racing is conducted within the commonwealth. As used in this section "immediate family" shall mean the husband and wife or any member or employee, and their children, their parents, their brothers and sisters.

The Authority may be dissolved by act of the legislature on condition that the Authority has no debts or obligations outstanding or that provision has been made for the payment or retirement of such debts or obligations. Upon any such dissolution of the Authority all property, funds and assets thereof shall be vested in the commonwealth.

Section 19. The Authority shall appoint an executive director who shall be the chief executive officer of the Authority, who shall devote his full time during business hours to the duties of his office, and who shall receive such compensation as the Authority shall determine, but such compensation shall not be reduced without his consent during his

tenure of office. The executive director shall employ such other officers and employees as necessary to the functioning of the Authority. Officers and employees of the Authority shall not be subject to the provisions of chapter thirty-one or section nine A of chapter thirty of the Massachusetts General Laws. Salaries for officers and employees shall be set by the Authority. The Authority may remove the executive director for cause after public notice and hearing.

Section 20. In addition to all powers otherwise granted to the Authority by law, the Authority shall have the following powers:

(a) To adopt by-laws for the regulation of its affairs and the conduct of its business and to issue rules, regulations and policies in connection with the performance of its functions and duties;

(b) To adopt an official seal and alter the same at its pleasure;

(c) To sue and be sued and plead and be impleaded in its own name;

(d) To make and execute all contracts and all other instruments necessary or convenient for the exercise of its power and functions;

(e) To acquire, lease, use, hold and mortgage real, personal or mixed property or any interest, easements or rights therein, as may be necessary or appropriate to carry out the provisions of the act;

(f) To enter into agreements or other transactions with the commonwealth or any political subdivision or public instrumentalities thereof, the United States Government or any federal, state or other governmental agency;

(g) To invest any funds held in reserve funds, or any funds not required for immediate disbursement, in such investments as may be lawful for fiduciaries in the Commonwealth;

(h) To enter into a contract or contracts with any architect, engineer, consultant or contractor; provided that in so doing the Authority shall comply with the provisions of chapter five hundred and seventy-nine of the acts of nineteen hundred and eighty which are applicable to public authorities;

(i) To employ architects, consulting engineers, attorneys, construction, financial and other experts, superintendents, managers and such other employees as may be necessary in its judgment and to fix their compensation;

(j) To receive funds, property, labor and other things of value for any source, public or private, by gift, grant, bequest, loan or otherwise, either absolutely or in trust, and to expand or utilize the same on behalf of the Authority for any of its purposes or to act as an agent or conduct in administering or disbursing funds or financial or other aid from any source;

(k) To appear in its own behalf before boards, commissions, departments or other agencies of government, municipal, state or federal;

(l) To procure insurance against loss in connection with the property of the Authority, in such amounts and from such insurers as may be necessary or desirable;

(m) To formulate plans for the projects involving the acquisition and operation of facilities pursuant to the provisions of this act, and to

construct or reconstruct, expand, remodel, maintain and manage such facilities; provided, that in so doing the Authority shall comply with the provisions of chapter five hundred and seventy-nine of the acts of nineteen hundred and eighty, which are applicable to public authorities;

(n) To fix and revise from time to time, and to charge and collect rates, fees, rentals and other charges for the use of any building, structure, other property or portion thereof under its control;

(o) To receive funds from the commonwealth;

(p) To maintain an office at such place or places within the commonwealth as it may determine;

(q) To acquire, hold, use and dispose of its income, revenues, funds and monies;

(r) To borrow money and to issue its negotiable bonds or notes and to secure the same by a mortgage on its property or any part thereof, and to enter into any credit agreement, and otherwise to provide for and secure the payment of its bonds and notes and to provide for the rights of the holders thereof; provided, however, that the full faith and credit of the commonwealth shall not be pledged;

(s) To acquire in the name of the Authority by purchase or otherwise, in such terms and conditions and in such manner as it may deem proper, or except with respect to the state, by the exercise of the power of eminent domain, pursuant to the provisions of chapter seventy-nine of the General Laws, any land and other property and any and all rights, title and interest in such land and other property, and any fee simple absolute in, easements upon or the benefit of restrictions upon abutting property, to preserve and protect any project;

(t) To receive and apply its revenues to the purposes of this act without appropriation or allotment by the commonwealth or any political subdivision thereof; and

(u) To do any and all things necessary or convenient to carry out its purposes and exercise the powers conferred by this act.

Section 21. The Authority, pursuant to the provisions of this act, chapter one hundred and twenty-eight A of the General Laws and chapter five hundred and eighty of the acts of nineteen hundred and eighty-five is hereby authorized and empowered, either alone or in conjunction with others, and provided that, in the case of an arrangement with respect to any of the projects set forth in this section which shall be in conjunction with others, the Authority shall have sufficient right and power to carry out the public purposes set forth in this act:

(1) To establish, develop, construct, acquire, own, operate, manage, promote, maintain, repair, reconstruct, restore, improve and otherwise effectuate, either directly or indirectly through lessees, licensees or agents, projects consisting of (a) racetrack facilities located within the commonwealth, (b) their contiguous properties, (c) their auxiliary facilities including, without limitation, pavilions, stands, field houses, clubhouses, training tracks for the holding of horse race meetings, other exposition facilities, and other buildings, structures, facilities, properties and appurtenances related to, incidental to, necessary for, or comple-

mentary to a complex suitable for the holding of horse race meetings including, but not limited to, driveways, roads, approaches, parking areas, recreation areas, vending facilities, restaurants, transportation structures and appurtenant facilities related to, incidental to, necessary for or complementary to the purposes of horse racing.

Notwithstanding any law to the contrary, the acquisition of any existing racetrack facility in and licensed by the commonwealth shall be permitted on the condition that payments equivalent to all municipal taxes due to each entity shall be paid by the Authority to the extent and in accordance with the same payment schedule as taxes would have been paid each year, as though the racetrack facility remained in private ownership. In the event the Authority conveys lands or other parts of the racetrack facility to others, the Authority shall receive a reduction of such payments commensurate with the amount required to be paid by the subsequent owner of the lands and improvements disposed of by the Authority. In addition, the Authority shall be responsible for paying its pro rata share of all existing local fees and licensee fees in effect at the time of the acquisition.

The Authority, pursuant to the provisions of this act, is authorized, (1) to make, as part of any of the projects, capital contributions to others for transportation and other facilities, and accommodations for the public's use of any of these projects, (2) to lease any part of any of those projects, for the purposes determined by the Authority to be consistent with or related to the purposes of those projects including, but not limited to, facilities related to or incidental to any of those projects, and (3) to sell or dispose of any real or personal property including, but not limited to, such portion of the site of any of those projects not occupied or to be occupied by the facilities of any of those projects.

Revenues, monies or other funds, if any, derived for the operation or ownership of the projects, including the conduct of horse race meetings, shall be applied, in accordance with the resolution or resolutions authorizing or relating to the issuance of bonds or notes of the Authority, to the following purposes and in the following order:

(1) The costs of operation and maintenance of the racetrack facilities and reserves therefor;

(2) Principal, sinking fund installments and redemption premiums of and interest on any bonds or notes of the Authority issued for the purposes of the racetrack facility or for the purposes of refunding the same, including reserves therefor;

(3) The costs of any major or extraordinary repairs, renewals or replacements with respect to said facilities or incidental improvements thereto, not paid pursuant to paragraph (1) above, including reserves therefor;

(4) Payments to municipalities pursuant to section eight hereof; and

(5) The balance remaining after application in accordance with the above shall be deposited in the General Fund.

Section 22. Not later than January fifteenth, nineteen hundred and eighty-nine, the Authority shall prepare and submit to the governor, the president of the senate, the speaker of the house of representatives, and

the joint legislative committee on government regulations, a proposal for the project of purchasing, developing and operating one or more thoroughbred or harness horse racetracks in the commonwealth, which shall include, but not be limited to, the following:

(a) A detailed description of the lands, structures, fixtures, facilities, easements, rights and other property in and around the facilities known as Suffolk Downs Racetrack and Foxboro Raceway; together with a description of all parties having any title or interest in such lands, structures, facilities, easements, rights or other property and a description of such title or interest; an analysis of the present market value of such lands, structures, facilities, easements, rights or other property and such titles and interests therein; a detailed breakdown of all bonds, notes, mortgages, restrictions, covenants or liens outstanding relative to such properties; recommendations as to the method of acquisition of such properties by or on behalf of the Authority, including the amounts, if any, to be paid to such parties in consideration of or the transfer to the Authority, including the amounts, if any, to be paid to such parties in consideration for the transfer to the Authority of their title or interest in such properties and evidence of any contracts, memoranda of understanding, options, or other agreements entered into between the Authority and such parties with regard to the transfer of their title or interest in such properties;

(b) A detailed proposal for a project of acquisition, reconstruction, modernization and remodeling of the facilities known as Suffolk Downs Racetrack and Foxboro Raceway and with adequate facilities to accommodate quality racing; including a description of the size, capacity, structure, lay-out, design, and facilities of the racetracks and an analysis of the planning, construction and related activities which will be required to reconstruct and modernize the racetracks together with a projected timetable for such planning construction and related activities;

(c) A detailed statement of the costs of the project which shall include the acquisition of the lands, structures, fixtures, facilities, easements, rights and other property, including the facilities known as Suffolk Downs Racetrack and Foxboro Raceway, and the reconstruction, modernization and remodeling of such facilities necessary to accommodate quality racing;

(d) A detailed statement of the projected, annual operating budget for the Authority, including an analysis of all projected costs associated with the maintenance and operation of the racetracks; and including any payments to be made to the municipalities within which the facilities are located in lieu of taxes for such facilities; and any analysis of all projected revenues to be generated by the Authority through the operation of such facilities;

(e) The final decision of the Authority, including the vote thereon, whether to purchase Suffolk Downs Racetrack or Foxboro Raceway, or any other facility or land therefor, for the purposes of continuing horse racing in the commonwealth. The Authority shall include in its report the reasons for its decisions, including, but not limited to, its report on whether the commonwealth would realize greater revenue under

ownership of private entities or the Authority; and

(f) The amount of funds necessary for the Authority to accomplish its purposes, including the amount the Authority intends to raise through the issuance of its bonds and sources and amount of revenue required to redeem said bonds.

Section 23. Notwithstanding the provisions of any general or special law to the contrary, the income, assets and activities of the Authority shall not be subject to any of the provisions of chapter sixty-three of the General Laws or to any taxes based upon or measured by property or income which may be enacted hereafter by the commonwealth or by any subdivision thereof, except as provided herein. The Authority is hereby authorized and empowered to enter into any agreement or agreements with the assessor of the city, or town with the approval of the mayor of the city or board of selectmen of the town, wherein the Authority will undertake to make to the city or town annual payments in lieu of taxes in connection with any real property acquired and owned by the Authority, the amounts of such payments to be reasonable sums stipulated in such agreement or agreements or determined in accordance with a reasonable formula so stipulated. Criteria to be employed by the parties to such agreement or agreements in agreeing upon the amount of such sums or upon any such formula shall include (i) the general level of property taxation in effect in the city or town, (ii) the effect of the facilities and activities of the Authority on the city or town and (iii) the needs of the Authority to maintain or improve its facilities. The Authority shall not be required under such agreement or agreements to make any such payments in lieu of taxes in any year in excess of the balance of the revenues of the Authority remaining after (a) the costs of operation and maintenance of the racetrack facilities and reserves therefor; (b) principal, sinking fund installments and redemption premiums of and interest on any bonds or notes of the Authority issued for the purpose of the racetrack facility or for the purpose of the racetrack facility or for the purpose of refunding the same, including reserves therefor; and (c) the costs of any major or extraordinary repairs, renewals or replacements with respect to said facilities or incidental improvements thereto, not paid pursuant to paragraph (1) above, including reserves therefor.

Section 24. The provisions of this act are severable and if any of its provisions shall be held invalid in any circumstances, such invalidity shall not affect any other provisions or circumstances. This act being necessary for the welfare of the commonwealth and its inhabitants, 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 whether or not such steps are required or expressly authorized by statute.

Section 25. The Authority shall, within one hundred and twenty days following the close of the fiscal year, submit an annual report of its activities for the preceding year to the governor and the clerks of the senate and house of representatives. Each such report shall set forth a

complete operating and financial statement of the Authority.

Section 26. The books and records of the Authority shall be subject to an annual audit by the auditor of the commonwealth.

Section 27. The provisions of chapter twelve A of the General Laws which are applicable to public authorities shall apply to the Massachusetts Horse Racing Authority.

Section 28. There shall be an advisory board to the Authority consisting of eleven members to be appointed by the governor; said appointments shall be made within ninety days of the effective date of this act. The members of the advisory board shall be made up of the following citizens of the commonwealth: one thoroughbred trainer, one standardbred trainer, one thoroughbred owner, one standardbred owner, one Massachusetts thoroughbred breeder, one Massachusetts standardbred breeder, one certified public accountant, one banker, one equine veterinarian, one law enforcement officer, and one attorney at law. The members of the said advisory board shall serve coterminous with the governor.

For the conduct of its business said advisory board shall adopt and may revise and amend bylaws. Said advisory board shall annually elect a chairperson, a vice-chairperson and a secretary. Each member of said advisory board shall serve without compensation but may be reimbursed, as an expense of said advisory board, for all reasonable expenses incurred in the performance of its duties. The purpose of the advisory board shall be as follows:

- (1) To make recommendations to the Authority on annual current expense expenditure budgets submitted by the Authority;

- (2) To make recommendations to the Authority on its charges;

- (3) To hold hearings, which may be held jointly, with the Authority at the discretion of the advisory board and said Authority, on matters relating to said Authority;

- (4) To review the annual report of the Authority and to prepare comments thereon to the Authority and the governor and to make such examinations of the reports on the Authority's records and affairs as the advisory board deems appropriate;

- (5) To make recommendations to the governor and the general court respecting the Authority and its programs; and

- (6) Within thirty days of receiving any proposed current expense budget of the Authority or within fifteen days of receiving any proposed amended expense budget of the Authority, the advisory board shall hold a public hearing on matters relating to such budget for the purpose of ascertaining, for subsequent report to the Authority if necessary, the views of the public thereon.

Section 29. The Authority shall report to the advisory board on matters pursuant to the provisions set forth in section thirteen of this act.

Section 30. Notwithstanding the provisions of any general or special law to the contrary, paragraph (n) of section three of chapter one hundred and twenty-eight A of the General Laws shall not apply to the



activities of the Authority created hereunder. In all other aspects the provisions of Massachusetts General Laws, chapter one hundred and twenty-eight A, chapter four hundred and ninety-four of the acts of nineteen hundred and seventy-eight, chapter five hundred and fifty-eight of the acts of nineteen hundred and eighty-one and chapter five hundred and eighty of the acts of nineteen hundred and eighty-five, shall be applicable to the Authority to the extent they are not inconsistent with the intent and purposes of this act.

Section 31. No business of the Authority shall be conducted until all members are appointed. All members shall be appointed and the Authority shall commence its business, under the provisions of this act, within one hundred and twenty days from the effective date of this act.

**SECTION 6.** The first sentence of section 10 of chapter 580 of the acts of 1985 is hereby amended by striking out the words "nineteen hundred and eighty-five" and inserting in place thereof the words:- nineteen hundred and eighty-eight and by striking out the words "nineteen hundred and ninety" and inserting in place thereof the words:- nineteen hundred and eighty-nine.

**SECTION 7.** Said section 10 of said chapter 580 is hereby amended by striking out the second paragraph in its entirety and inserting in place thereof the following paragraph:-

Each person licensed to conduct a running horse racing meeting, other than 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 horse racing meeting, a sum equal to three-quarters of one 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-half of one per cent of the total amount deposited by the patrons wagering on the speed or ability of running horses at pari-mutuel running horse tracks, less the so-called breaks, and taken from the three-quarters of one per cent paid daily to the commission under this paragraph, shall, subject to appropriation, be allocated to the Massachusetts Thoroughbred Breeding Program established under the provisions of section two of chapter one hundred and twenty-eight of the General Laws; provided, however, that a sum equal to twenty per cent of this allocation shall, subject to appropriation, be expended for equine research, scholarships and loans at the Tufts University School of Veterinary Medicine.

**SECTION 8.** Said section 10 of said chapter 580 is hereby further amended by striking out the fourth, fifth and sixth paragraphs in their entirety and inserting in place thereof the following three paragraphs:-

Each such licensee may retain at 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 running horse racing meetings, and after deducting therefrom the amount required to be paid into the Running Horse Promotional Trust Fund.

Notwithstanding any of the foregoing provisions of this section, once a licensee conducting a horse racing meeting has reached the level of the total amount wagered during the previous year in which a running horse racing meeting was conducted at such licensee's track, 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 in the current year, after deducting therefrom three-quarters of one per cent to be paid to the commission and after deducting therefrom seven per cent to be paid as purses, and less the so-called breaks to be paid into the Running Horse Capital Improvements Trust Fund. For purposes of this paragraph, the total amount wagered at a running horse racing meeting during the previous year shall be the product of the average amount wagered at such licensee's track during the previous year in which a running horse racing meeting was conducted at such licensee's track multiplied by the number of available racing days for the current year.

Each person licensed to conduct a harness horse racing meeting, including a licensee holding a harness racing meeting in connection with a state or county fair, shall pay to the commission on the day following each day of such horse racing meeting, a sum equal to one and one-quarter 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, or from the twenty-three per cent withheld as provided in this section from the total amount wagered on exotic races, excluding races conducted in connection with a state or county fair. A sum equal to one per cent of the total amount deposited by the patrons wagering on the speed or ability of harness horses or pari-mutuel harness horse racing meetings in the commonwealth, less the so-called breaks, and taken from the one and one-quarter per cent paid daily to the commission under this paragraph shall, subject to appropriation, be allocated to the Massachusetts standardbred agricultural fair and breeding fund committee established under the provisions of section ten of chapter twenty of the General Laws.

**SECTION 9.** Said section 10 of chapter 580 of the acts of 1985 is hereby further amended by striking out the ninth paragraph in its entirety and inserting in place thereof the following paragraph:-

Notwithstanding any of the foregoing provisions of this section, once a licensee conducting a harness horse racing meeting has reached the level of the total amount wagered during the previous year in which a harness horse racing meeting was conducted at such licensee's track such licensee shall retain daily at its commission a sum not exceeding the balance of the nineteen or twenty-three per cent withheld as provided in this section from the total amount wagered in the current year after

deducting therefrom the amount herein before required to be paid to the racing commission and after deducting therefrom the applicable amounts required to be paid as purses, and less the so-called breaks to be paid into the Harness Horse Capital Improvements Trust Fund. For purposes of this paragraph, the total amount wagered at a harness horse racing meeting during the previous year shall be the product of the average amount wagered at such licensee's track during the previous year in which a harness horse racing meeting was conducted at such licensee's track multiplied by the number of available racing days for the current year.

**SECTION 10.** Chapter 494 of the acts of 1978, as amended by chapter 580 of the acts of 1985, is hereby further amended by striking out sections 11 and 12 and inserting in place thereof the following two sections:-

Section 11. During the calendar years nineteen hundred and eighty-eight and nineteen hundred and eighty-nine, each running horse 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 daily pay: (a) the total sum of the so-called breaks, as defined in section five of said chapter one hundred and twenty-eight A, into the trust fund known as the Running Horse 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-quarter of one per cent of the total amount wagered by patrons so wagering into a trust fund known as the Running Horse 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 trustee may expend with appropriation all or any part of the Running Horse Capital Improvements Trust Fund to a running horse 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, but not for the costs of maintenance or of other ordinary operations, whether such costs have been incurred or not; and said trustees may expend without appropriation all or any part of the Running Horse 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 giveaways. Said trustees may expend to a licensee all amounts accumulated in such trust fund which are attributable to racing operations conducted at a running horse track.

Said trustees shall prescribe terms and conditions for such grants and may designate specific capital improvements or promotions to be undertaken by a licensee, provided, however, that, prior to approving any expenditures from said trust funds for purposes not designated by the

trustees, 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; and provided, further, that under no circumstances shall the trustees permit the expenditure of trust funds for purposes not directly related to the improvement of running horse 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 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 or the services of such other consultants as they deem appropriate to advise them generally and to evaluate proposed capital improvement and promotional projects submitted to them for their approval.

Nothing herein contained shall preclude a running horse 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 promotions 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 statements.

The trustees shall require from a running horse race track 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 Running Horse Capital Improvements Trust Fund and in the Running

Horse 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 12. During the calendar years nineteen hundred and eighty-eight and nineteen hundred and eighty-nine, each harness horse 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 daily pay: (a) the total sum of the so-called breaks, as defined in section five of said chapter one hundred and twenty-eight A, and a sum equal to one per cent of the total amount wagered by patrons wagering on the speed or ability of a combination of more than one harness horse in a single pool, exotic wagering, so-called, into the trust fund known as the Harness Horse 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 per cent of the total amount wagered by patrons so wagering on said exotic races into a trust fund known as the Harness Horse 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 Harness Horse Capital Improvements Trust Fund to a harness horse 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, but not for the costs of maintenance or of other ordinary operations, whether such costs have been incurred or not; and said trustees may expend without appropriation all or any part of the Harness Horse 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 giveaways. Said trustees may expend to a licensee all amounts accumulated in such trust funds which are attributable to racing operations conducted at a harness horse track.

Said trustees shall prescribe terms and conditions for such grants and may designate specific capital improvements or promotions to be undertaken by the licensee; provided, however, that prior to approving any expenditures from said trust funds for purposes not designated by the trustees, 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; and provided further, that under no circumstances shall the trustees permit the expenditure of trust funds for purposes not directly related to the improvement of harness horse racing or for the raising of handles and attendance; and provided further,

that such terms and conditions for capital improvement projects shall include schedules or 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 capital improvements or for 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 race track in the commonwealth.

The trustees shall hire the services of such architectural and engineering consultants or the services of such other consultants as they deem appropriate to advise them generally and to evaluate capital improvement and promotional projects submitted to them for their approval.

Nothing herein contained shall preclude a harness horse 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 promotions completed with funds obtained under this section and further certifying that such expenditures are treated as capital expenditures and promotional expenditures in the accompanying statements.

The trustees shall require from a harness race track 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 Harness Horse Capital Improvements Trust Fund and in the Harness 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 11.** Section 13 of chapter 494, as amended by chapter 580 of the acts of 1985, is hereby further amended by striking out clause (b) and inserting in place thereof the following clause:-

(b) No license shall be issued for more than an aggregate of four hundred and forty racing days in any one year at all harness horse racing meetings combined, including harness horse racing meetings at state or county fairs; provided, however, that one hundred and thirty such days may be awarded only for racing in Hampden county during the period between the first day of January and the fourteenth day of April and between the twenty-second day of October and the twenty-first day of December; provided, further, that ten of the remaining three hundred and ten days may be awarded only in connection with a state or county fair; and provided, further, that the harness racing days awarded in Norfolk county shall not exceed three hundred.

**SECTION 12.** Said section 13 of said chapter 494, as amended by chapter 580 of the acts of 1985, is hereby further amended by striking out clause (h) and inserting in place thereof the following clause:-

(h) In granting authorized dates hereunder the state racing commission shall take into consideration, in addition to any other appropriate and pertinent factors, the following: the financial ability of an applicant to operate a race track, the maximization of state revenues, the suitability of racing facilities for operation at the time of the year for which dates are assigned; the circumstances that large groups of spectators require safe and convenient facilities; the interest of members of the public in racing competition honestly managed and of good quality; the necessity of having and maintaining proper physical facilities for racing meetings and the necessity of according fair treatment to the economic interest and investments of those who in good faith have provided and maintain such facilities. Notwithstanding the foregoing provisions of this section, the racing commission shall have the right to review and reconsider without further notice or public hearing any application made prior to October first for which racing dates have been requested for the following year; provided, however, that such application has had a public hearing prior to November fifteenth; and, provided further, that any applicant who has been denied said racing dates makes a written request for review and reconsideration within ninety days of receiving notice of such denial; and, provided, further, that said commission shall reconsider and review said request within one hundred and eighty days of such denial; further, the racing commission by majority vote may allow a proposed applicant to submit an application for any harness horse racing meetings in Norfolk County in any year in which no license for such harness horse racing meetings has been granted; provided, however, if such application is received it shall be subject to the same notice and public hearing requirements as if it had been filed prior to October first of the preceding year.

**SECTION 13.** In the event the owner of a running horse track facility decides to sell such facility, the owner shall grant the commonwealth the first option to purchase said facility. The purchase price to the state of said facility shall be the average of three independent appraisals.

---

**ACTS, 1987. – Chaps. 681, 682.**

**SECTION 14.** The provisions of sections one, two, three, four, six, seven, eight, nine, ten, eleven, twelve and thirteen shall expire on December thirty-first, nineteen hundred and eighty-nine.

Approved January 6, 1988.

---

**Chapter 681. AN ACT RELATIVE TO THE ASSISTANT CLERKS IN THE DISTRICT COURT OF EAST NORFOLK.**

Be it enacted, etc., as follows:

Section 10 of chapter 218 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "Lowell", in line 114, the words:– , the district court of East Norfolk.

Approved January 6, 1988.

---

**Chapter 682. AN ACT RELATIVE TO PROVIDING FOR THE STATE HOUSE AND ALL FACILITIES LOCATED THEREIN TO BE HANDICAPPED ACCESSIBLE.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 9 of chapter 8 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following sentence:– The state house and all facilities located therein, including hearing rooms, shall be accessible to, functional for and safe for use by physically handicapped persons; provided further that the state shall make available a certain number of designated handicapped parking spaces for the general public; provided, however, that no construction required for said accessibility, functionality and safety shall commence until the superintendent of state buildings has completed the study required in section two of this act.

**SECTION 2.** The superintendent of state office buildings, in cooperation with the architectural barriers board, is hereby authorized and directed to conduct a study relative to the accessibility of the state house and all facilities located therein to physically handicapped persons and to develop a plan for the alteration and improvement of any such facilities found to be inaccessible, nonfunctional, or unsafe for use by such persons. Said study shall include consideration of any necessary construction, reconstruction, alteration or remodeling of the state house, the costs thereof, the availability of authorized funding to meet such costs, the need for additional authorization of funds and the extent to which any such construction, reconstruction or remodeling may be accomplished without injuring the architectural and historical integrity of the state house. In conducting the study, the superintendent may



---

**ACTS, 1987. – Chap. 683.**

consult with outside experts, as needed, including, but not limited to, design and building professionals, architects, engineers and contractors. The superintendent shall report the results of his study, together with any recommendations, to the house and senate committees on ways and means no later than December thirty-first, nineteen hundred and eighty-eight.

**SECTION 3.** Section one of this act shall take effect on April first, nineteen hundred and eighty-nine.

Approved January 6, 1988.

---

**Chapter 683. AN ACT PROVIDING MEDICAL BENEFITS FOR  
ULCERATIVE COLITIS AND OTHER DISEASES.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 175 of the General Laws is hereby amended by inserting after section 47H, inserted by section 1 of chapter 394 of the acts of 1987, the following section:-

Section 47I. Any individual policy of accident and sickness insurance issued pursuant to section one hundred and eight, and any group blanket policy of accident and sickness insurance issued pursuant to section one hundred and ten, shall provide coverage for nonprescription enteral formulas for home use, for which a physician has issued a written order and which are medically necessary for the treatment of malabsorption caused by Chrohn's disease or ulcerative colitis.

**SECTION 2.** Chapter 176A of the General Laws is hereby amended by inserting after section 8K, inserted by section 2 of said chapter 394, the following section:-

Section 8L. Any contract between a subscriber and the corporation under an individual or group hospital service plan that shall be delivered, issued or renewed in the 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, coverage for nonprescription enteral formulas for home use, for which a physician has issued a written order and which are medically necessary for the treatment of malabsorption caused by Chrohn's disease or ulcerative colitis.

**SECTION 3.** Chapter 176B of the General Laws is hereby amended by inserting after section 4J, inserted by section 3 of said chapter 394, the following section:-

Section 4K. Any subscription certificate under an individual or group medical service agreement that shall be delivered, issued or renewed in the commonwealth shall provide, as benefits to all individual subscribers and members within the commonwealth, all group members having a

---

**ACTS, 1987. - Chaps. 684, 685.**

principal place of employment within the commonwealth, and all persons included in section four C, coverage for nonprescription enteral formulas for home use, for which a physician has issued a written order and which are medically necessary for the treatment of malabsorption caused by Chronn's disease or ulcerative colitis.

**SECTION 4.** Chapter 176G of the General Laws is hereby amended by inserting after section 4C, inserted by section 50 of chapter 465 of the acts of 1987, the following section:-

Section 4D. Any group health maintenance contract shall provide coverage for nonprescription enteral formulas for home use as set forth in section forty-seven I of chapter one hundred and seventy-five.

Approved January 6, 1988.

---

**Chapter 684. AN ACT AUTHORIZING THE NEW SALEM-WENDELL SCHOOL DISTRICT TO AWARD CONTRACTS FOR THE CONSTRUCTION OF ADDITIONS AND RENOVATIONS TO THE SWIFT RIVER SCHOOL TO CERTAIN CONTRACTORS.**

Be it enacted, etc., as follows:

Notwithstanding the single project maximum set forth in a certificate of eligibility of a contractor issued by the deputy commissioner of the division of capital planning and operations, or his designee, under the provisions of section forty-four D of chapter one hundred and forty-nine of the General Laws, the New Salem-Wendell School District may award any contract for the construction of additions and renovations to the Swift River school in the calendar year nineteen hundred and eighty-eight to any contractor who has a certificate of eligibility, provided the contract award amount is within the aggregate rating limit in the certificate of eligibility of such contractor.

Approved January 6, 1988.

---

**Chapter 685. AN ACT FURTHER REGULATING CERTAIN ZONING LAWS.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 40A of the General Laws is hereby amended by striking out section 1A, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 1A. As used in this chapter the following words shall have the following meanings:

"Permit granting authority", the board of appeals or zoning administrator.

"Solar access", the access of a solar energy system to direct sunlight.

"Solar energy system", a device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating.

"Special permit granting authority", shall include the board of selectmen, city council, board of appeals, planning board, or zoning administrators as designated by zoning ordinance or by-law for the issuance of special permits.

"Zoning", ordinances and by-laws, adopted by cities and towns to regulate the use of land, buildings and structures to the full extent of the independent constitutional powers of cities and towns to protect the health, safety and general welfare of their present and future inhabitants.

"Zoning administrator", a person designated by the board of appeals pursuant to section thirteen to assume certain duties of said board.

**SECTION 2.** Section two of said chapter forty A is hereby repealed.

**SECTION 3.** Said chapter 40A is hereby further amended by striking out section 5, as so appearing, and inserting in place thereof the following section:-

Section 5. Zoning ordinances or by-laws may be adopted and from time to time changed by amendment, addition or repeal, but only in the manner hereinafter provided. Adoption or change of zoning ordinances or by-laws may be initiated by the submission to the city council or board of selectmen of a proposed zoning ordinance or by-law by a city council, a board of selectmen, a board of appeals, by an individual owning land to be affected by change or adoption, by request of registered voters of a town pursuant to section ten of chapter thirty-nine, by ten registered voters in a city, by a planning board, by a regional planning agency or by other methods provided by municipal charter. The board of selectmen or city council shall within fourteen days of receipt of such zoning ordinance or by-law submit it to the planning board for review.

No zoning ordinance or by-law or amendment thereto shall be adopted until after the planning board in a city or town, and the city council or a committee designated or appointed for the purpose by said council has each held a public hearing thereon, together or separately, at which interested persons shall be given an opportunity to be heard. Said public hearing shall be held within sixty-five days after the proposed zoning ordinance or by-law is submitted to the planning board by the city council or selectmen or if there is none, within sixty-five days after the proposed zoning ordinance or by-law is submitted to the city council or selectmen. Notice of the time and place of such public hearing, of the subject matter, sufficient for identification, and of the place where texts and maps thereof may be inspected shall be published in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of said hearing, and by posting such notice in a

conspicuous place in the city or town hall for a period of not less than fourteen days before the day of said hearing. Notice of said hearing shall also be sent by mail, postage prepaid to the department of community affairs, the regional planning agency, if any, and to the planning board of each abutting cities and towns. The department of community affairs, the regional planning agency, the planning boards of all abutting cities and towns and nonresident property owners who may not have received notice by mail as specified in this section may grant a waiver of notice or submit an affidavit of actual notice to the city or town clerk prior to town meeting or city council action on a proposed zoning ordinance, by-law or change thereto. Zoning ordinances or by-laws may provide that a separate, conspicuous statement shall be included with property tax bills sent to nonresident property owners, stating that notice of such hearings under this chapter shall be sent by mail, postage prepaid, to any such owner who files an annual request for such notice with the city or town clerk no later than January first, and pays a reasonable fee established by such ordinance or by-law. In cases involving boundary, density or use changes within a district, notice shall be sent to any such nonresident property owner who has filed such a request with the city or town clerk and whose property lies in the district where the change is sought. No defect in the form of any notice under this chapter shall invalidate any zoning ordinances or by-laws unless such defect is found to be misleading.

No vote to adopt any such proposed ordinance or by-law or amendment thereto shall be taken until a report with recommendations by a planning board has been submitted to the town meeting or city council, or twenty-one days after said hearing has elapsed without submission of such report. After such notice, hearing and report, or after twenty-one days shall have elapsed after such hearing without submission of such report, a city council or town meeting may adopt, reject, or amend and adopt any such proposed ordinance or by-law. If a city council fails to vote to adopt any proposed ordinance within ninety days after the city council hearing or if a town meeting fails to vote to adopt any proposed by-law within six months after the planning board hearing, no action shall be taken thereon until after a subsequent public hearing is held with notice and report as provided.

No zoning ordinance or by-law or amendment thereto shall be adopted or changed except by a two-thirds vote of all the members of the town council, or of the city council where there is a commission form of government or a single branch, or of each branch where there are two branches, or by a two-thirds vote of a town meeting; provided, however, that if in a city or town with a council of fewer than twenty-five members there is filed with the clerk prior to final action by the council a written protest against such change, stating the reasons duly signed by owners of twenty per cent or more of the area of the land proposed to be included in such change or of the area of the land immediately adjacent extending three hundred feet therefrom, no such change of any such ordinance shall be adopted except by a three-fourths vote of all members.

---

ACTS, 1987. - Chap. 686.

No proposed zoning ordinance or by-law which has been unfavorably acted upon by a city council or town meeting shall be considered by the city council or town meeting within two years after the date of such unfavorable action unless the adoption of such proposed ordinance or by-law is recommended in the final report of the planning board.

When zoning by-laws or amendments thereto are submitted to the attorney general for approval as required by section thirty-two of chapter forty, he shall also be furnished with a statement which may be prepared by the planning board explaining the by-laws or amendments proposed, which statement may be accompanied by explanatory maps or plans.

The effective date of the adoption or amendment of any zoning ordinance or by-law shall be the date on which such adoption or amendment was voted upon by a city council or town meeting; if in towns, publication in a town bulletin or pamphlet and posting is subsequently made or publication in a newspaper pursuant to section thirty-two of chapter forty. If, in a town, said by-law is subsequently disapproved, in whole or in part, by the attorney general, the previous zoning by-law, to the extent that such previous zoning by-law was changed by the disapproved by-law or portion thereof, shall be deemed to have been in effect from the date of such vote.

After approval of zoning by-laws by the attorney general, or adoption of zoning ordinances by the city council, a copy of the latest effective zoning ordinances or by-laws shall be sent by the city or town clerk to the department of community affairs. A true copy of the zoning ordinance or by-law with any amendments thereto shall be kept on file available for inspection in the office of the clerk of such city or town.

No claim of invalidity of any zoning ordinance or by-law arising out of any possible defect in the procedure of adoption or amendment shall be made in any legal proceedings and no state, regional, county or municipal officer shall refuse, deny or revoke any permit, approval or certificate because of any such claim of invalidity unless legal action is commenced within the time period specified in sections thirty-two and thirty-two A of chapter forty and notice specifying the court, parties, invalidity claimed, and date of filing is filed together with a copy of the petition with the town or city clerk within seven days after commencement of the action.

Approved January 6, 1988.

---

Chapter 686. AN ACT RELATIVE TO ACCESS TO RECORDS BY HIGHER EDUCATION FACULTY.

Be it enacted, etc., as follows:

Section 52C of chapter 149 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the definition of "Employee" and inserting in place thereof the following definition:-

---

**ACTS, 1987. – Chaps. 687, 688.**

"Employee", a person currently employed or formerly employed by an employer; provided, however, that for purposes of this section, persons who are employed, or were formerly employed, by a private institution of higher education in positions which may lead to tenure, are tenured, or which involve responsibilities similar to those in tenure-track positions, shall not be considered employees.

Approved January 6, 1988.

---

**Chapter 687. AN ACT RELATIVE TO CERTAIN MORTGAGE DOCUMENTS.**

Be it enacted, etc., as follows:

Chapter 184 of the General Laws is hereby amended by inserting after section 17B the following section:–

Section 17C. Any mortgagee doing business in the commonwealth, when processing an application for a loan to be secured by a first mortgage on residential property, shall, upon the issuance to the applicant of a letter of commitment to or denial of such application, include therein notification of the availability to the applicant of a copy of any report, wherever and by whomever prepared, utilized by the mortgagee in connection with any such application and containing an opinion as to the value of said residential property. Upon written request of the said applicant, a copy of any such report shall be provided without additional charge or fee within thirty days from the date of such request; provided, however, that a mortgagee shall not be required to make such copy available if the applicant rescinds the transaction. A mortgagee, appraiser, or employee or other agent of the mortgagee shall not be liable in damages to the applicant, or to the seller or agent of the seller of such property on account of the disclosure or the contents of any such report.

Approved January 6, 1988.

---

**Chapter 688. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY CERTAIN LAND IN THE TOWN OF NORFOLK TO THE NORFOLK HOUSING AUTHORITY.**

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 to forty J, inclusive, of chapter seven of the General Laws, to sell and convey by deed, approved as to form by the attorney general, for consideration of one dollar, a certain parcel of land and the

---

**ACTS, 1987. - Chap. 689.**

buildings thereon, formerly under the control of the department of correction, located in the town of Norfolk, to the Norfolk Housing Authority for the purpose of constructing state assisted housing subject to the requirements of sections two and three and to such additional terms and conditions as the deputy commissioner may prescribe, in consultation with the department of correction.

Said parcel is situated in the town of Norfolk on the westerly side of Pond street and on the southerly side of Marshall street at the intersection of both streets and is further bounded and described as follows:

Beginning at the southeast corner of the premises on Pond Street; thence in a northerly direction along the westerly side of Pond Street a distance of approximately 1130 feet to a point at the intersection of Pond Street and Marshall Street; thence in a southwesterly direction along the southerly side of Marshall Street a distance of approximately 550 feet to a point; thence in a southeasterly direction approximately 945 feet to a point; thence in a northeasterly direction approximately 270 feet to the point; thence in a southeasterly direction approximately 110 feet to a point of beginning.

The above described parcel contains approximately 9.9 acres and is shown as Lot 14, Block 69 on Assessors Plan 19, prepared by New England Survey Service, Inc., 1964 and on file in the assessors office in the town of Norfolk.

**SECTION 2.** In the event that the above described parcel is not used for the purposes described in section one within five years of the effective date of this act, or if the Norfolk Housing Authority ceases to use the parcel for such purposes at any time, the parcel shall revert to the commonwealth under such terms and conditions as the deputy commissioner of capital planning and operations may prescribe.

**SECTION 3.** The Norfolk Housing Authority shall assume the costs of appraisals, surveys and other expenses as deemed necessary by the deputy commissioner of capital planning and operations for the granting of this conveyance.

Approved January 6, 1988.

---

**Chapter 689. AN ACT RELATIVE TO A CERTAIN EASEMENT IN THE OWNS OF MIDDLETON, NORTH ANDOVER AND NORTH READING.**

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 to forty J, inclusive, of chapter seven of the General Laws, to convey by deed, approved as to form by the attorney general, a certain flowage easement in the Harold Parker State Forest located in

---

**ACTS, 1987. – Chap. 690.**

the towns of Middleton, North Andover and North Reading, to the town of Danvers, subject to the requirements of sections two and three and to such additional terms and conditions as the deputy commissioner may prescribe, in consultation with the department of environmental management. Said easement is shown on a plan entitled "Flowage Plan of Land in Harold Parker State Forest" dated Sept. 18, 1987, drawn by Whitman & Howard Inc. which is on file in the office of town engineer in the town of Middleton.

**SECTION 2.** No deed conveying by or on behalf of the commonwealth the property described in section one shall be valid unless such deed provides that said easement be used in conjunction with the construction and operation of a public water supply reservoir located in the towns of Middleton, North Andover and North Reading the right of flow waters to be impounded by the said reservoir to elevation ninety-six feet NVD-1929 Datum on land of the Harold Parker state forest in said towns and to do shoreline protection work above that elevation as necessary.

**SECTION 3.** The town of Danvers shall assume the costs of any appraisals, surveys and other expenses as deemed necessary by the deputy commissioner of the division of capital planning and operations for the conveyance of this easement.

Approved January 6, 1988.

---

**Chapter 690. AN ACT FURTHER DEFINING SCHOOL AGE CHILD CARE PROGRAMS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 4 of chapter 28A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "centers", in lines 7 and 8, the words:– , school age child care programs.

**SECTION 2.** Section 9 of said chapter 28A, as so appearing, is hereby amended by striking out the definition "After school program".

**SECTION 3.** Said section 9 of said chapter 28A, as so appearing, is hereby further amended by inserting after the definition "Placement agency" the following definition:–

"School age child care program", any program or facility operated on a regular basis which provides supervised group care for children not of common parentage who are enrolled in kindergarten and are of sufficient age to enter first grade the following year, or an older child who is not more than fourteen years of age, or sixteen years of age if such child has special needs. Such a program may operate before and after school and may also operate during school vacation and holidays. It provides a planned daily program of activities that is attended by children for



specifically identified blocks of time during the week, usually over a period of weeks or months. A school age child care program shall not include: any program operated by a public school system; any part of a private, organized educational system, unless the services of such system are primarily limited to a school age day care program; a Sunday school or classes for religious instruction conducted by a religious organization where the children are cared for during short periods of time while persons responsible for such children are attending religious services; a family day care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefor.

**SECTION 4.** Section 10 of said chapter 28A, as so appearing, is hereby amended by striking out paragraphs (a) and (b) and inserting in place thereof the following two paragraphs:-

(a) The office shall issue and may renew a license to any person other than a department, agency or institution of the commonwealth or any political subdivision thereof, who meets applicable standards and requirements to establish and maintain a school age child care program; a day care center, family day care home which is not a part of a family day care system, family day care system, family foster care which is not supervised and approved by a placement agency, group care facility, or temporary shelter facility. The office shall issue and may renew a license to any organization incorporated under chapter one hundred and eighty which meets applicable standards and requirements to establish and maintain a placement agency. The office shall issue approval to a department, agency, or institution of the commonwealth or any political subdivision thereof which it deems meets such applicable standards and requirements to establish and maintain a day care center, family day care home which is not part of a family day care system, family day care system, placement agency, group care facility, or temporary shelter facility.

(b) The office may issue a provisional license for or may provisionally approve a school age child care program, a day care center, family day care home which is not part of a family day care system, family day care system, family foster care which is not supervised and approved by a placement agency, placement agency, group care facility, or temporary shelter facility, any of which has not previously operated or is operating but is temporarily unable to meet applicable standards and requirements.

**SECTION 4A.** Said section 10 of said chapter 28A is hereby further amended by striking out paragraph (c), as most recently amended by section 1 of chapter 610 of the acts of 1987, and inserting in place thereof the following paragraph:-

(c) The office shall, pursuant to the provisions of chapter thirty A, and after consultation with the executive offices of educational affairs, manpower affairs, public safety, communities and development, and the departments of youth services, mental health, mental retardation, public health and public welfare, promulgate rules and regulations to carry out

the purposes and functions of sections nine to sixteen, inclusive. Such regulations, as they relate to standards and requirements for licensure and approval of school age child care programs, day care centers, family day care homes which are not part of a family day care system, family day care system, family foster care which is not supervised and approved by a placement agency, placement agencies, group care facilities, and temporary shelter facilities, shall be appropriate for the protection of the health, well-being and development of children and shall include, but need not be limited to provisions regarding (1) admission policies and procedures; (2) safe transport of children; (3) physical plant and equipment; (4) the number and qualifications of staff; (5) the nature of programs of care or treatment; (6) health care and nutrition; (7) rights and responsibilities of parents, children and staff; (8) record keeping and other procedures relevant to evaluation; (9) organization, financing and administration; and (10) the imposition of civil fines and other sanctions. In formulating the regulations pertinent to family day care homes and family foster care, the office shall give special attention to fire and safety precautions. Such regulations may establish classifications for licensure or approval as are necessary to achieve the purposes of sections nine to sixteen, inclusive; provided, that the standards and requirements for approval of a day care center, family day care home which is not part of a family day care system, family day care system, placement agency, group care facility, or temporary shelter facility, operated by a department, agency or institution of the commonwealth or any political subdivision thereof shall be the same as or higher than those applicable to the licensure or comparable facilities or services. Such regulations shall establish reasonable license fees and appropriate terms for all licenses granted under the provisions of this section. No such license or approval shall be transferable. A provisional license or approval shall be issued for a period not to exceed six months and in no case shall a person operate under a provisional license, provisional approval, or renewal thereof for more than twelve consecutive months. Any rule or regulation involving medical treatment shall include appropriate exemptions for children whose parents object thereto on the ground that it conflicts with the tenets and practice of a recognized church or religious denomination of which the parent or child is an adherent or member. The office shall conduct a comprehensive review of rules and regulations established under this section at least once every five years.

**SECTION 5.** Section 11 of said chapter 28A, as so appearing, is hereby amended by striking out, in line 1, the words "an after school" and inserting in place thereof the words:- a school age child care.

**SECTION 6.** Section 12 of said chapter 28A, as so appearing, is hereby amended by striking out, in line 5, the words "after school" and inserting in place thereof the words:- school age child care.

Approved January 6, 1988.

**Chapter 691. AN ACT RELATIVE TO WORKERS' COMPENSATION.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 4 of chapter 23E of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- There shall be within the division of dispute resolution an industrial accident board, in this chapter and in chapter one hundred and fifty-two called the board, which shall consist of twenty-one members, who shall be administrative judges appointed for six year terms by the governor with the advice and consent of the council, not more than eleven of whom shall be from the same political party.

**SECTION 2.** Paragraph (a) of subsection (3) of section 44C of chapter 149 of the General Laws, as so appearing, is hereby amended by striking out clause (v) and inserting in place thereof the following clause:-

(v) a violation of any state or federal law regulating hours of labor, prevailing wages, minimum wages, overtime pay, equal pay, child labor, or workers' compensation.

**SECTION 3.** Chapter 152 of the General Laws is hereby amended by inserting after section 7E, as so appearing, the following section:-

Section 7F. The department shall keep and maintain a record of filing fees charged under section ten, penalties levied under section seven and section eight, and attorneys' fees ordered under section thirteen A, where such filing fees, penalties, or attorneys' fees are required to be paid by insurers, separately identifying those amounts which may not be utilized in the establishment of premium rates. This information shall be provided to the advisory council and to the commissioner of insurance at least once each calendar year.

**SECTION 4.** Section 8 of said chapter 152, as so appearing, is hereby amended by adding the following subsection:-

(6) Any sixty day payment without prejudice period herein provided may be extended to one hundred twenty days by written agreement of the parties. Such period may be further extended by agreement provided that:

(a) the agreement sets out the last day of such extension; and

(b) the department approves the agreement at a conciliation pursuant to section ten, a conference pursuant to section ten A, or a hearing pursuant to section eleven.

All the provisions of this section shall apply to any period of payment without prejudice which is extended as provided in this subsection. Any payment without prejudice under this section shall toll the statute of limitations pursuant to section forty-one.

**SECTION 5.** Said chapter 152 is hereby further amended by striking out section 10, as so appearing, and inserting in place thereof the

following section:-

Section 10. (1) 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. No claim for weekly compensation shall be accepted by the department unless at least thirty days has passed from the date of the alleged onset of disability. On 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 conciliation unit of the division may attempt to resolve the claim or complaint by informal means and the parties shall cooperate with any conciliator assigned to the case.

(2) Any claim or complaint shall be referred to the division of dispute resolution within fifteen business days of its receipt by the division of administration unless:

(a) the moving party fails to appear on request of the conciliation unit or provide requested information, or

(b) a conciliator authorizes an extension of the conciliation period, attaching the reasons therefor to the case file.

Any party aggrieved by an extension of the conciliation period may file a written appeal with the manager of conciliation who shall set a referral date for the case.

(3) In any instance in which the respondent to a claim or a complaint either fails to appear or is not authorized to negotiate, enter into and sign agreements as to compensation at a conciliation, said claim or complaint shall forthwith be referred to the division of dispute resolution.

(4) In each instance in which a claim or complaint is referred to the division of dispute resolution following a conciliation, the conciliator to whom the case was assigned shall forward a written report setting out the issues in controversy and the information he deems to support:

(a) his recommendation that weekly compensation or other benefits should or should not be paid;

(b) his recommendation that weekly compensation or other benefits should or should not be modified or terminated; or

(c) his report that the information available at the conciliation is insufficient for determining whether weekly compensation or other benefits should be paid, modified, or terminated.

(5) 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 at that time; provided, however, that in the event that the insurer failed to appear at a scheduled conciliation, and such failure was not beyond the control of said insurer, the referral fee shall be one hundred and thirty per cent of the average weekly wage in the commonwealth at that time. In such event the referral fee shall not be included in any formula utilized to establish premium rates for workers' compensation insurance. Any

referral fee shall be paid into the Special Revenue Fund established pursuant to section sixty-five.

**SECTION 6.** Said chapter 152 is hereby further amended by striking out section 10A, as so appearing, and inserting in place thereof the following section:–

Section 10A. (1) On referral from the division of administration of a claim for compensation or a complaint for modification or discontinuance of benefits, said claim or complaint shall be immediately assigned to an administrative judge. The administrative judge shall require the parties to appear before him for a conference within twenty-eight days of receipt of the case by the division of dispute resolution. The administrative judge may require and receive reports of injury, signed statements of the employee and any witnesses, medical, hospital, and rehabilitation records, and other written and oral matter. At the conference, the parties shall identify the issues in dispute and they shall produce a summary of any anticipated testimony.

(2) Within seven days of the conclusion of the conference the administrative judge shall file:

(a) a written order requiring or denying that weekly compensation or other benefits be paid; or

(b) a written order modifying, terminating, or denying modification or termination of weekly compensation or other benefits.

(3) Any party aggrieved by an order of an administrative judge shall have fourteen days from the filing date of such order within which to file an appeal for a hearing pursuant to section eleven. Such hearing shall be held within twenty-eight days of the department's receipt of such appeal.

Failure to file a timely appeal or withdrawal of a timely appeal shall be deemed to be acceptance of the administrative judge's order and findings, except that a party who has by mistake, accident or other reasonable cause failed to appeal an order within the time limited herein may within one year of such filing petition the commissioner of the department who may permit such hearing if justice and equity require it, notwithstanding that a decree has previously been rendered on any order filed, pursuant to section twelve.

**SECTION 7.** Section 11C of said chapter 152, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences:– Any party aggrieved by a decision of an administrative judge after a hearing held pursuant to section eleven shall have thirty days from the filing date of such decision within which to file an appeal from said decision to the reviewing board. A party who has by mistake, accident, or other reasonable cause failed to appeal from a decision within the time limited herein may within one year of the filing of said decision petition the commissioner of the department who may permit such appeal if justice and equity require it, notwithstanding that a decree has previously been rendered on any decision filed, pursuant to section twelve.

**SECTION 8.** Said chapter 152 is hereby further amended by striking out section 13A, as so appearing, and inserting in place thereof the following section:-

Section 13A. (1) Whenever an insurer contests a written claim for benefits, submitted on a form prescribed by the department, including a claim for unpaid medical bills, by failing to commence compensation within fourteen days of receipt of such a claim, and then, at any time prior to five days before a hearing pursuant to section eleven, the insurer agrees to pay with or without prejudice or is ordered to pay the compensation due, said insurer shall pay an attorney's fee sufficient to defray the reasonable costs of counsel retained by the employee. Such fee shall be an amount equal to two times the average weekly wage in the commonwealth at that time, plus necessary expenses; provided, however, that an administrative judge may increase such fee based on the complexity of the dispute or the effort expended by the attorney; and provided, further, that only one such fee shall be paid with respect to such written claim under this paragraph. An insurer shall reduce such a fee to one time the average weekly wage in the commonwealth at that time, when said attorney failed to appear at a scheduled conciliation and such failure was not beyond the control of said attorney. For purposes of this paragraph, the filing of a subsequent written request for benefits shall be deemed an additional written claim for benefits.

(2) Whenever an insurer files a complaint to reduce or discontinue an employee's benefits but withdraws such complaint prior to five days before a hearing pursuant to section eleven, or whenever an employee prevails pursuant to an order modifying or denying modification or discontinuance of weekly compensation or other benefits, such insurer shall pay an attorney's fee sufficient to defray the reasonable costs of counsel retained by the employee. Such fee shall be an amount equal to two times the average weekly wage in the commonwealth at that time, plus necessary expenses; provided, however, that an administrative judge may increase such fee based on the complexity of the dispute or the effort expended by the attorney. An administrative judge shall reduce such a fee to one time the average weekly wage in the commonwealth at that time, when said attorney failed to appear at a scheduled conciliation, and such failure was not beyond the control of said attorney.

(3) Whenever an insurer files a complaint or contests a claim for benefits and then (i) accepts the employee's claim or withdraws its own complaint within five days of the date set for a hearing pursuant to section eleven; or (ii) the employee prevails at such hearing, the insurer shall pay an attorney's fee sufficient to defray the reasonable costs of counsel retained by the employee. Such fee shall be an amount equal to seven times the average weekly wage in the commonwealth at that time, plus necessary expenses; provided, however, that an administrative judge may increase such fee based on the complexity of the dispute or the effort expended by the attorney.

(4) Whenever an insurer appeals a decision of an administrative judge and the employee prevails in the decision of the reviewing board, the insurer shall pay an attorney's fee sufficient to defray the reasonable

costs of counsel retained by the employee. Such fee shall be an amount equal to three times the average weekly wage in the commonwealth at that time, plus necessary expenses; provided, however, that the reviewing board may increase such fee based on the complexity of the dispute or the effort expended by the attorney.

(5) Whenever an employee appeals a decision of an administrative judge and the employee prevails in the decision of the reviewing board, the employee shall pay an attorney's fee sufficient to defray the reasonable costs of counsel retained by said employee. Subject to the approval of the reviewing board, such fee shall be an amount agreed to by the employee and his attorney.

(6) Whenever an insurer and an employee agree to a settlement under section forty-eight, the attorney's fee shall be paid from the settlement in accordance with the following provisions:

(a) when the insurer and the employee reach such settlement prior to insurer acceptance of liability or prior to a decision of an administrative judge, the reviewing board, or the appeals court of the commonwealth finding insurer liability, such fee shall be no more than fifteen per cent of the amount of such settlement;

(b) when the insurer and the employee reach such settlement subsequent to insurer acceptance of liability or subsequent to a decision of an administrative judge, the reviewing board, or the appeals court of the commonwealth finding insurer liability which is in effect at the time such agreement is entered into, such fee shall be no more than twenty per cent of amount of such settlement.

(7) In any hearing or review requested by an insurer or self-insurer aggrieved by an order or decision with respect to an injury occurring prior to November first, nineteen hundred and eighty-six, or in a proceeding brought by an insurer or self-insurer as to the continuance of compensation being paid under this chapter for an injury occurring prior to November first, nineteen hundred and eighty-six, there shall be awarded an amount sufficient to compensate the employee for the reasonable costs of such hearing, review or proceeding, including reasonable counsel fees and expenses, provided that the employee prevails at such hearing, review or proceeding. Such amounts shall be paid by the insurer or self-insurer. Any other attorneys fees for services provided claimants for injuries prior to November first, nineteen hundred and eighty-six, shall be of an amount agreed upon between the employee and the attorney.

(8) The attorneys' fees specified in this section shall be the only fees payable for any services provided to employees under this chapter.

(9) In any proceeding at which a penalty pursuant to section seven is awarded an employee by an administrative judge, the attorney's fee payable for such proceeding shall not be included in any formula utilized to establish premium rates for workers' compensation insurance.

**SECTION 9.** Said chapter 152 is hereby further amended by striking out section 19, as so appearing, and inserting in place thereof the following section:-

Section 19. (1) Except as otherwise provided by section seven, any payment of compensation shall be by written agreement by the parties and subject to the approval of the department. Any other questions arising under this chapter may be so settled by agreement. Said agreements shall for all purposes be enforceable in the same manner as an order under section twelve. A party to such agreement may file a complaint to vacate or modify the agreement on grounds of law or equity.

(2) Any withdrawal of a complaint for discontinuance of compensation shall be made in writing and filed with the department and the employee. Pursuant to section twelve, the trial court for the county in which the injury occurred may order that any attorney's fees prescribed under section thirteen A shall be paid.

**SECTION 10.** Said chapter 152 is hereby further amended by striking out section 25C, as so appearing, and inserting in place thereof the following section:-

Section 25C. (1) Whenever the commissioner or his designee determines that an employer who is required to provide for the payment to his employees of the compensation provided for by the chapter has failed to do so, a stop work order shall be served on said employer, requiring the cessation of all business operations at the place or employment or job site. Such order shall take effect ten days after the date of its service upon said employer, unless such employer provides evidence, satisfactory to the commissioner or his designee, of having secured any necessary insurance or self-insurance and pays a civil penalty into the private employer trust fund in the amount of one hundred dollars per day for each day such employer was not in compliance with this chapter, counting the date of service of the stop work order as the first day and date of payment of the penalty herein provided and of production of evidence of insurance or self-insurance as the final day.

(2) Any employer who is aggrieved by the imposition of a stop work order shall have ten days from the date of its service to appeal such order. Any employer who timely files such appeal shall be granted a hearing by the commissioner or his designee within fourteen days of receipt of appeal. The stop work order shall not be in effect during the pendency of any timely filed appeal. Any stop work order and monetary penalty shall be rescinded if the commissioner or his designee finds at the hearing that the employer has at all times been in compliance with this chapter. If the commissioner or his designee finds at the hearing that the employer did or has not provided for all insurance or self-insurance required by this chapter, the stop work order shall be effective immediately on the conclusion of the hearing and shall remain in effect until such time as the employer provides evidence, satisfactory to the commissioner or his designees, of having secured any necessary insurance or self-insurance and pays a civil penalty into the private employer trust fund in the amount of two hundred and fifty dollars per day for each day such employer was not in compliance with this chapter, counting the date of service of the stop work order as the first day and



the date of payment of the penalty herein provided and of production of evidence of insurance or self-insurance as the final day.

A stop work order and any monetary penalties assessed by the commissioner after a hearing as authorized in this section shall be final at the expiration of thirty days if no action for judicial review of such decision is commenced pursuant to chapter thirty A. Any person who institutes proceedings for judicial review of the final assessment of a penalty by the commissioner pursuant to this section, shall place the final amount of the assessment in an interest-bearing escrow account in the custody of the clerk/magistrate of the reviewing court. The establishment of such interest-bearing account shall be a condition precedent to the jurisdiction of the reviewing court unless the party demonstrates in a preliminary hearing held within twenty days of the filing of the complaint either the presence of a substantial question for review by the court or an inability to pay. Upon such a demonstration, the court may grant an extension or waiver of the interest-bearing escrow account or may require, in lieu of such account, the posting of a bond payable directly to the Private Employer Trust Fund in the amount of one hundred and twenty-five per cent of the assessed penalty. If, after judicial review, in the case where the requirement for an escrow account has been waived, and in the case where a bond has been posted, the court affirms the penalty in whole or in part, the penalty assessed by the commissioner shall be paid with interest at the rate set forth in section six C of chapter two hundred and thirty-one. If, after such review in a case where an interest-bearing escrow account has been established, the court affirms the penalty in whole or in part, the penalty shall be paid with accumulated interest from such account. If the court sets aside the penalty the amount placed in such account or the amount posted for such bond shall be repaid together with any interest thereon.

(3) Any law enforcement agency in the commonwealth shall, at the request of the commissioner, render any assistance necessary to carry out the provisions of this section, including but not limited to preventing any employee or other persons from remaining at a place of employment or jobsite after a stop work order has taken effect.

(4) Any employee affected by a stop work order pursuant to this section shall be paid for the first ten days lost pursuant to such order and any time lost pursuant to this section not exceeding ten days shall be considered time worked under the provisions of chapter one hundred and forty-nine.

(5) In addition to being subject to the civil penalties herein provided, an employer who fails to provide for insurance or self-insurance as required by this chapter 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 such fine or imprisonment, to provide for insurance or self-insurance under this chapter after notice by the department to do so shall, as to each notice, be deemed a further violation in respect thereof, subject to an additional fine and imprisonment. If such employer is a corporation, the president or treasurer or both shall be liable for said punishment. The

commissioner or his designee 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 subsection, and to prosecute the same, and for such purpose may deputize one or more employees of the department to make and prosecute complaints. Complaints under this subsection 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.

(6) Every state or local licensing agency shall withhold the issuance or renewal of a license or permit to operate a business or to construct buildings in the commonwealth for any applicant who has not produced acceptable evidence of compliance with the insurance coverage required by this chapter.

(7) Neither the commonwealth nor any of its political subdivisions shall enter into any contract for the performance of public work until acceptable evidence of compliance with the insurance requirements of this chapter have been presented to the contracting authority.

(8) Any judgements obtained by the department requiring employer reimbursements or other payments into the private employer trust fund, and any penalties due pursuant to the service of a stop work order under this section shall, until collected, constitute a lien upon the entire interest of the employer, legal or equitable, in any property, real or personal, tangible or intangible; provided, however, that such lien shall be subordinate to claims for unpaid wages and any prior recorded liens; and provided, further, that no lien created by this section shall be valid against a subsequent purchaser or mortgagee in good faith and for value of real or personal property from or of such employer, or against a subsequent attaching creditor, unless, with respect to real estate of the employer, a notice of such lien is recorded in the registry of deeds for the county where such real estate is located, and, with respect to personal property of the employer, said notice is recorded with the clerk of the city or town where such personal property is located.

**SECTION 11.** Section 29 of said chapter 152, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- No compensation pursuant to section thirty-four or thirty-five shall be paid for any injury which does not incapacitate the employee from earning full wages for a period of five or more calendar days.

**SECTION 12.** Subsection (2) of section 48 of said chapter 152, as so appearing, is hereby amended by striking out the first paragraph and inserting in its place the following paragraph:-

When the insurer and the employee reach such agreement subsequent to insurer acceptance of liability or subsequent to a decision of an administrative judge, the reviewing board, or an appeals court of the commonwealth finding insurer liability which decision is in effect at the time such agreement is entered into, said agreement shall not redeem

---

**ACTS, 1987. – Chap. 691.**

liability for the payment of medical benefits or vocational rehabilitation benefits with respect to such injury.

**SECTION 13.** Section fifty-two of said chapter one hundred and fifty-two is hereby repealed.

**SECTION 14.** Section 53A of said chapter 152, as appearing in the 1986 Official Edition, is hereby amended by adding the following subsection:-

(11) The commissioner shall establish a procedure for the identification and separate annual reporting by each insurer of any penalty payments and legal fees which this chapter requires to be excluded from any formula utilized to establish premium rates for workers' compensation insurance. Said commissioner may compare said reports by insurers to records of such penalty payments and legal fees maintained by the department of industrial accidents in order to judge the accuracy of said reports.

**SECTION 15.** Section 65 of said chapter 152, as so appearing, is hereby amended by adding the following subsection:-

(13) When a claim is made against the Workers' Compensation Trust Fund for payment of compensation pursuant to clause (e) of subsection (2), the employer may be joined as a party by an administrative judge, on the motion of the claimant or the representative of the Fund.

**SECTION 16.** Notwithstanding the provisions of section four of chapter twenty-three E of the General Laws, or any other general or special law to the contrary, the governor, with the advice and consent of the council, shall appoint, in addition to the members of the industrial accident board provided for in said section four of said chapter twenty-three E, seven temporary members of said board for a two year term; provided, however, that said temporary members may be recalled pursuant to section seven of said chapter twenty-three E. Said temporary members under no circumstances shall be retained beyond such time that the backlog of cases for which the positions were created, is completed. Said temporary members shall receive the same salary as that paid to members of the board appointed under said section four. Said temporary members shall devote their full time during normal business hours to the duties of their office.

The commissioner of the department of industrial accidents serving on the effective date of this act, failing reappointment as commissioner at any time during the remainder of his original term of appointment to the industrial accident board, shall serve as a member of said board for the remainder of said original term, in which event the total membership of said board shall be increased by one.

**SECTION 17.** For the purpose of implementing the provisions of this act, there is hereby appropriated the following amount:

---

ACTS, 1987. - Chap. 692.

**EXECUTIVE OFFICE OF LABOR.**  
**Department of Industrial Accidents.**

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, with the exception of monies expended for the department's backlog elimination project, from assessments levied pursuant to section sixty-five of chapter one hundred and fifty-two of the General Laws; provided further, that the amount expended under this item which is to be so reimbursed may be added to the special fund budget for the fiscal year beginning July first, nineteen hundred and eighty-eight for the purpose of calculating the assessment rate pursuant to subsection (4) of section sixty-five of chapter one hundred and fifty-two of the General Laws; provided further, that monies expended for said backlog elimination project shall not exceed three hundred forty-three thousand six hundred and forty-seven dollars; and provided further, that the amount of monies expended for said backlog elimination program and not assessed shall be calculated by the department of industrial accidents and certified by the commissioner of administration, of which twenty shall be temporary positions assigned to the department's backlog elimination project, including not more than three hundred and two positions \$948,680

**SECTION 18.** For the purposes of section two A of chapter one hundred and fifty-two of the General Laws, subsections one to six, inclusive, and subsections eight and nine of section eight of this act shall be deemed to be substantive in character and shall apply only to injuries occurring on or after November first, nineteen hundred and eighty-six.

**SECTION 19.** Section eleven of this act shall apply only to injuries occurring on or after December tenth, nineteen hundred and eighty-five.

Approved January 6, 1988.

---

**Chapter 692. AN ACT PROVIDING FOR THE ESTABLISHMENT OF A NURSING REHABILITATION PROGRAM.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 74 of chapter 112 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The board of registration in nursing in this section and in sections seventy-four A to eighty-one C, inclusive, called the board, shall hold simultaneous examinations for the registration of nurses in the cities of Boston, Worcester, Springfield and Pittsfield at such times as it shall determine.

**SECTION 2.** Said chapter 112 is hereby further amended by inserting after section 80E the following section:-

Section 80F. (a) The board shall establish a rehabilitation program designed to assist nurses, whose competency has been impaired because of substance abuse disorders, to return to practice. Such program shall be designed in such a manner so that the public health and safety will not be endangered.

(b) The rehabilitation program shall: (1) serve as a voluntary alternative to traditional disciplinary actions; (2) establish criteria for the acceptance, denial, or termination of registered nurses and licensed practical nurses in said program; and (3) establish an outreach program to help identify registered and licensed practical nurses who are substance abusers and to educate them about said rehabilitation program.

Only those registered nurses and licensed practical nurses who have requested rehabilitation and supervision shall participate in said program.

(c) The board shall appoint one or more rehabilitation evaluation committees consisting of nine members, two of whom shall be registered nurses with demonstrated experience in the field of substance use disorders or psychiatric mental health nursing; two of whom shall be licensed practical nurses with demonstrated experience in the field of substance use disorders or psychiatric mental health nursing; one of whom shall be a registered nurse employed as a nursing service administrator; one of whom shall be a registered or licensed practical nurse who has recovered from drug or alcohol addiction and has been drug and alcohol free for a minimum of two years; and three of whom shall be representatives of the public who are knowledgeable about the field of substance abuse or mental health. Each committee shall elect a chairperson and a vice chairperson. The members of the committee shall serve for such terms as the board shall determine but in no case shall such term exceed four years. All members of the committee who are nurses shall hold licenses as nurses in the commonwealth for the duration of their terms. No board member may serve on a committee.

(d) The board shall employ nurse specialists with demonstrated professional expertise in the field of substance abuse disorders to serve as supervisors of participants in the rehabilitation program. Such supervisors shall serve as a liaison among the board, the committee, approved treatment programs and providers, and licensees. All information obtained by a supervisor pursuant to this section shall be

exempt from disclosure and shall be confidential subject to the provisions of subsections (f) and (g).

(e) All rehabilitation evaluation committee findings shall be submitted to the board as recommendations and shall be subject to final approval of the board. Each committee shall have the following duties and responsibilities:

(1) To evaluate, according to the guidelines prescribed by the board, those registered nurses or licensed practical nurses who request participation in the program and to consider the recommendations of the nurse specialist supervisor in the admission of the registered nurse or licensed practical nurse to the rehabilitation program.

(2) To review and designate those treatment facilities and services to which rehabilitation program participants may be referred.

(3) To receive and review information concerning a registered nurse or licensed practical nurse participating in the program.

(4) To consider in the case of each rehabilitation program participant whether the nurse may with safety continue or resume the practice of nursing.

(5) To call meetings as necessary to consider the requests of registered nurses or licensed practical nurses to participate in the rehabilitation program, and to consider reports regarding rehabilitation program participants.

(6) To prepare reports to be submitted to the board.

(7) To set forth in writing for each rehabilitation program participant an individualized rehabilitation program with requirements for supervision and surveillance.

(8) To provide information to nurses requesting participation in the program.

(f) Each registered nurse or licensed practical nurse who requests participation in a rehabilitation program shall agree to cooperate with the rehabilitation program recommended by a rehabilitation evaluation committee and approved by the board. Any failure to comply with the provisions of a rehabilitation program may result in termination of the participant from the rehabilitation program. The name and license number of a registered nurse or licensed practical nurse terminated for failure to comply with the provisions of a rehabilitation program shall be reported to the board.

(g) After a committee in its discretion has determined that a registered nurse or licensed practical nurse has been rehabilitated and the rehabilitation program is completed, the board shall seal all records pertaining to the nurse's participation in the rehabilitation program. No record shall be sealed sooner than five years from the nurse's date of entry into the rehabilitation program. All board and committee records and records of a proceeding pertaining to the rehabilitation of a registered nurse or licensed practical nurse in the rehabilitation program shall be kept confidential and are not subject to discovery.

Approved January 6, 1988.

**Chapter 693. AN ACT RELATIVE TO THE WATER DEPARTMENT OF THE TOWN OF DOUGLAS.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter three hundred and thirty-seven of the acts of nineteen hundred and nine is hereby repealed.

**SECTION 2.** This act shall take effect upon the qualification of members of the water-sewer board to be elected at the annual town election of the town of Douglas to be held in the year nineteen hundred and eighty-eight.

Approved January 6, 1988.

---

**Chapter 694. AN ACT RELATIVE TO A TOWN MEETING MEMBERSHIP IN THE TOWN OF DARTMOUTH.**

Be it enacted, etc., as follows:

**SECTION 1.** The first paragraph of section 1 of chapter 26 of the acts of 1927, as amended by section 2 of chapter 628 of the acts of 1967, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- All precincts shall contain, as near as possible, an equal number of residents of the town as determined on the basis of population.

**SECTION 2.** Section 2 of said chapter 26, as amended by section 1 of chapter 692 of the acts of 1927, is hereby further amended by striking out the first and second sentences and inserting in place thereof the following two sentences:- Other than the officers designated in section three as town meeting members at large, the representative town meeting membership shall consist of three hundred and ninety members who shall all be registered voters of the town and who shall be apportioned in precincts on the basis of population with each precinct having, as near as possible, the same number of the representative town meeting members as any other precinct. The registered voters in each precinct shall not sooner than ninety days after the establishment of precincts under this act at the next annual town election held thereafter, and at the first annual town election following any precinct revision where the number of precincts is changed, conformably to the laws relative to elections not inconsistent with this act, elect by ballot the number of registered voters in the precinct, other than the officers designated in section three as town meeting members at large, provided for in the first sentence of this section, to be town meeting members of the town.

Approved January 6, 1988.

**Chapter 695. AN ACT VALIDATING ACTION TAKEN AT A SPECIAL ELECTION IN THE TOWN OF CHATHAM.**

Be it enacted, etc., as follows:

The action taken by the town of Chatham by the vote taken at the special election held on November nineteenth, nineteen hundred and eighty-seven to exempt from the tax limitations of section twenty-one C of chapter fifty-nine of the General Laws bonds to be issued for the purchase of land and construction of an addition to the library is hereby ratified, validated and confirmed notwithstanding any defect or omission in the calling of said election.

Approved January 6, 1988.

EMERGENCY LETTER: January 6, 1988 @ 4:54 P.M.

---

**Chapter 696. AN ACT REGULATING THE REPORTING OF INFECTIOUS DISEASES DANGEROUS TO THE PUBLIC HEALTH.**

Be it enacted, etc., as follows:

Chapter 111 of the General Laws is hereby amended by inserting after section 111B the following section:-

Section 111C. Any person, including without limitation, a police officer, fire fighter, emergency medical technician, corrections officer, ambulance operator or attendant who, while acting in his or her professional capacity, attends, assists, or transports a person to a health care facility licensed under section fifty-one of chapter one hundred and eleven, and who sustains an unprotected exposure capable of transmitting an infectious disease dangerous to the public health, shall immediately, upon arrival at such facility, provide to the admitting agent or other appropriate employee of the said facility a standardized trip form. The department shall prepare and distribute said standardized trip form, which shall include, but need not be limited to the names of persons who believe they have had such unprotected exposure, and the manner in which such exposure occurred.

"Infectious diseases dangerous to the public health" shall be defined by department regulations which shall be promulgated pursuant to this section.

"Unprotected exposure capable of transmitting on infectious disease dangerous to the public health" shall be defined in regulations promulgated by the department and shall include, but not be limited to, instances of direct mouth-to-mouth resuscitation, or the co-mingling of the blood of the patient and the person who has transported the patient to the health care facility.

Any health care facility licensed under section fifty-one of chapter one hundred and eleven which, after receiving a transported individual,



diagnoses the individual as having an infectious disease dangerous to the public health as defined pursuant to the provisions of this section, shall notify orally within forty-eight hours after making such a diagnosis, and in writing within seventy-two hours of such diagnosis, any individual listed on the trip report who has sustained an unprotected exposure which, in the opinion of the health care facility is capable of transmitting such disease. Such response shall include, but not be limited to, the appropriate medical precautions and treatments which should be taken by the party who has sustained the unprotected exposure; provided, however, that the identity of the patient suspected of having such disease shall not be released in such response, and shall be kept confidential in accordance with the provisions of section seventy. The department shall determine the method by which the response to the trip report is conveyed, and shall assure the patient is informed of those individuals who have been notified of his or her disease pursuant to this section, and that the response is directed only to those parties who have sustained an unprotected exposure to an infectious disease.

Notwithstanding the provisions of any general law or special law to the contrary, no hospital, or agent, employee, administrator, doctor, official or other representative of said reporting institution shall be held jointly or severally liable either as an institution, or personally, for reporting pursuant to the requirements of this section, if such report was made in good faith. All such parties, provided they have operated in good faith, shall otherwise be afforded total immunity from civil or criminal liability as a result of fulfilling the provisions of this section or the regulations promulgated in accordance with this section.

Approved January 6, 1988.

---

**Chapter 697. AN ACT FURTHER REGULATING PUBLIC EMPLOYEE RETIREMENT IN THE COMMONWEALTH.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for a reform of the pension systems of the commonwealth and its political subdivisions, 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.** Sections one hundred and two, one hundred and three, and one hundred and four of chapter six of the General Laws are hereby repealed.

**SECTION 2.** Section 50 of chapter 7 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following paragraph:-

Any rules or regulations recommended by said commissioner which

require the approval of the general court shall be referred by the appropriate clerks to the appropriate standing committee of the general court. Within fifteen days of receipt of any such recommendations, such committee shall transmit in writing to said commissioner its suggestions, if any, for modifications in said recommended rules and regulations. Within fifteen days of receipt of such suggestions, said commissioner shall resubmit to such committee such recommended rules and regulations, together with any modifications made thereto. No such rules and regulations shall take effect except in accordance with the provisions of this section.

**SECTION 3.** Chapter 10 of the General Laws is hereby amended by inserting after section 35G the following section:-

Section 35H. There shall be, in the office of the state treasurer but not subject to his control, a retirement law commission of seven members, consisting of three members appointed by the governor, with the advice and consent of the council, and three members appointed by the state treasurer with the advice and consent of the council, and a seventh member chosen by the first six members who shall be the chairman and who shall serve for a term of five years. Of the three appointments allotted to the governor, and the state treasurer, respectively, the terms of service shall be determined as follows: the first such appointments by the governor and the treasurer shall be for a term of three years, the second such appointments shall be for a term of four years, and, the third such appointments shall be for a term of five years. The members shall serve without compensation but shall receive their necessary expenses incurred in the discharge of their official duties. Upon the expiration of the term of an appointed member, or the chairman, or a vacancy otherwise created in said positions, the successor for said position shall be appointed in the manner aforesaid for the same term as his predecessor, or for the remainder of his term, whichever is applicable.

Said commission shall conduct continuing studies of the operation of all provisions of law relative to retirement allowances, pensions, or annuities; the administration of pensions by state, county, city, and town agencies; and shall study the potential cost of provisions of existing law and of all proposed changes. Said commission shall file a copy of all such reports, investigations, and studies with the board of the applicable system, and the commissioner of public employee retirement as well as, in the case of reports, investigations, and studies relative to the state employees' retirement system, the teachers' retirement system, and any other pension liabilities assumed by the commonwealth, with the commissioner of administration and the house and senate committees on ways and means. Each such actuarial valuation report and accompanying experience investigation shall be so filed no later than ten months after the date as of which the system is valued, except that each such report and accompanying investigation for the state employees' retirement system, the teachers' retirement system, and any other pension liabilities assumed by the commonwealth shall be so filed no later than

six months after the date as of which the system or other assumed pension liability is valued.

Said commission shall report annually to the governor and to the general court its activities and accomplishments, and such recommended legislation as may be necessary to effect desirable changes in the retirement law and to promote a more efficient administration thereof. It shall forthwith deliver to the house and senate committees on ways and means any and all documents, reports, data, statistics, and any other information which either committee may from time to time request from said commission. It may prepare and publish reports for the information of employees concerning benefits available and procedures to be followed, and reports to the public to promote more adequate understanding of the retirement policies and problems of the commonwealth.

Said commission may appoint an executive secretary who shall not be subject to chapter thirty-one and who shall receive such salary as the commission with the approval of the governor and council may fix and may appoint such other assistants, consultants, investigators, and experts as it deems necessary to carry out the provisions of this section. Said commission shall be provided with adequate offices in the state house or elsewhere in the city of Boston. It may call upon any department, board, commission, or officer of the commonwealth or any subdivision thereof for such information as it may desire in the course of its duties. It may hold public hearings and shall have the power to summon witnesses and to require the production of books, records, and papers.

For the purposes of this section the term "system" shall mean system as defined in section one of chapter thirty-two.

**SECTION 4.** Section 16 of chapter 15 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 11, the word "insurance" and inserting in place thereof the words:- public employee retirement.

**SECTION 5.** The first paragraph of section 9A of chapter 22 of the General Laws, as so appearing, is hereby amended by adding the following sentence:- Subsequent to January first, nineteen hundred and eighty-eight, no person who smokes any tobacco product shall be eligible for appointment as a uniformed member of the division of state police, and no person so appointed after said date shall continue in such office or position if such person thereafter smokes any tobacco product; the personnel administrator shall promulgate regulations for the implementation of the provisions of this sentence.

**SECTION 6.** The second paragraph of section 2 of chapter 27 of the General Laws, as so appearing, is hereby amended by adding the following sentence:- Subsequent to January first, nineteen hundred and eighty-eight, no person who smokes any tobacco product shall be eligible for appointment as an employee of the department in a position or office the regular or incidental duties of which require the care, supervision, or

custody of prisoners, criminally insane persons or defective delinquents and no person so appointed after said date shall continue in such office or position if such person thereafter smokes any tobacco product; the personnel administrator shall promulgate regulations for the implementation of the provisions of this sentence.

**SECTION 7.** Subsection (f) of section 6B of chapter 29 of the General Laws, as so appearing, is hereby amended by striking out, in line 294, the words "State Employees' Pension Reserve fund" and inserting in place thereof the words:- Commonwealth's Pension Liability Fund.

**SECTION 8.** Section 39 of chapter 31 of the General Laws, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

If a permanent employee who has become separated from his position because of disability shall be subsequently capable of employment as determined pursuant to section eight of chapter thirty-two by the retirement board, as defined in section one of chapter thirty-two, such employee shall be placed in a position in the same or similar title in the department from which he was separated or any other department prior to the appointment from any civil service list; provided, however, that in the event that such placement of such employee occurs after a period of time greater than five years from the date of such separation or results in such employee occupying a position in a different title from the title of the position from which he was separated, such placement right shall be subject to the completion by such employee of a retraining program established by the appointing authority, and approved by the personnel administrator.

**SECTION 10.** Said chapter 31 is hereby further amended by inserting after section 61 the following two sections:-

Section 61A. The administrator, with the secretary of public safety and the commissioner of public health shall establish initial health and physical fitness standards which shall be applicable to all police officers and firefighters when they are appointed to permanent, temporary, intermittent, or reserve positions in cities and towns or other governmental units. Such standards shall be established by regulations promulgated by the administrator after consultation with representatives of police and firefighter unions, and the Massachusetts Municipal Association.

Notwithstanding the provisions of this paragraph, any municipality may adopt, subject to collective bargaining, stricter health and physical fitness standards. Such initial health and physical fitness standards shall be rationally related to the duties of such positions and shall have the purpose of minimizing health and safety risks to the public, fellow workers and the police officers and firefighters themselves.

No person appointed to a permanent, temporary, intermittent, or reserve police or firefighter position after January first, nineteen hundred and eighty-eight shall perform the duties of such position until

he shall have undergone initial medical and physical fitness examinations and shall have met such initial standards. The appointing board or officer shall provide initial medical and physical fitness examinations within thirty days of the appointment. If such person fails to pass an initial medical or physical fitness examination, he shall be eligible to undergo a reexamination within sixty days of the date of the failure of the initial examination. If he fails to pass the reexamination, his appointment shall be rescinded. No such person shall commence service or receive his regular compensation until such person passes the health examination or reexamination.

The administrator, shall establish in-service health and physical fitness standards which shall be applicable to all police officers and firefighters in permanent, temporary, intermittent, and reserve positions in cities and towns. Such standards shall be established by regulations promulgated by the administrator after consultation with representatives of police and firefighters unions, and the Massachusetts Municipal Association. Notwithstanding the provisions of this paragraph, any municipality may adopt, subject to collective bargaining, stricter in-service health and physical fitness standards. Such in-service health and physical fitness standards shall be rationally related to the duties of such positions and shall have the purpose of minimizing health and safety risks to the public, fellow workers, and the police officers and firefighters themselves. Such standards shall take into account the age of the police officer or firefighter.

All police officers and firefighters in such positions shall undergo in-service medical and physical fitness examinations at such time intervals as the administrator shall determine, but no less frequently than once every two years. Any police officer or firefighter appointed to such a position after January first, nineteen hundred and eighty-eight shall be required to maintain his health and physical fitness at a level which meets such in-service standards. If a police officer or firefighter appointed to such a position after January first, nineteen hundred and eighty-eight fails to pass such an in-service examination, he shall be eligible to undergo a reexamination within sixty days of the date of the in-service medical or physical fitness examination failed. If he fails the reexamination, he shall be eligible to undergo a second reexamination within ninety days of the date of the first reexamination. If he fails to pass the second reexamination, his appointment shall be terminated or not renewed as the case may be. A police officer or firefighter who fails an in-service examination may continue to receive his regular compensation provided that he undergoes a reexamination within sixty days. If he fails the reexamination, his regular compensation shall be suspended pending the outcome of the second reexamination.

If the appointment of a police officer or firefighter is terminated or not renewed in accordance with this section, he may apply for superannuation, ordinary disability, or accidental disability retirement benefits as provided in chapter thirty-two. A police officer or firefighter whose appointment is terminated or not renewed because of his failure to meet in-service health or physical fitness standards shall

not be presumed by virtue of such termination or nonrenewal to be disabled for pension purposes.

The administrator shall establish procedures for the administration of such medical and physical fitness examinations by cities and towns. Such examinations may be administered at the police academy or at the firefighting academy in accordance with such procedures.

The provisions of this section shall apply to all police officers and firefighters in cities, towns, districts, or other governmental units which have accepted the provisions of this section and section sixty-one B.

The personnel administrator shall submit regulations promulgated pursuant to this section to the clerks of the house of representatives and senate, who shall refer said regulations to the appropriate standing committee of the general court. Within fifteen days of said referral, said committee shall transmit in writing to the administrator its recommendations, if any, for modifications to said regulations. Within fifteen days of receipt of any such recommendations, the administrator shall resubmit said regulations to said committee together with any modifications made thereto. If the general court takes no final action relative to said regulations within forty-five days of the date on which said regulations are first referred to said committee, said regulations shall be filed with the state secretary pursuant to the provisions of section five of chapter thirty A. No such regulations shall take effect until filed with the state secretary in accordance with the provisions of this paragraph.

Section 61B. Any city, town, district or other governmental unit which accepts the provisions of this section shall establish a wellness program for police officers and firefighters, if any, employed in such city, town, district or other governmental unit. Such wellness program shall be in accordance with the minimum requirements established by the department of public health pursuant to section two hundred and three of chapter one hundred and eleven. The commonwealth and any agencies or authorities thereof shall establish such programs for any police officers or firefighters employed by said commonwealth, agencies or authorities and shall be deemed to have accepted this section for the purposes of section sixty-one A. Any city, town, district, or other governmental unit, but not including the commonwealth, its agencies or authorities, which accepts the provisions of this section and provides wellness programs pursuant thereto shall be reimbursed for the lesser of (i) one-half the costs thereof or (ii) an amount equal to one hundred dollars per employee, by the commonwealth, upon certification by the secretary of public safety. Said secretary shall certify the amount of such reimbursement to be paid to such city, town, district, or other governmental unit from information filed on or before September first of each year with said secretary by the appointing authority.

**SECTION 11.** The third paragraph of section 64 of said chapter 31, as so appearing, is hereby amended by adding the following sentence:- Subsequent to January first, nineteen hundred and eighty-eight, no person who smokes any tobacco product shall be eligible for appointment

as a uniformed member of the metropolitan district police, the Massachusetts bay transportation authority police force, or the capitol police force, or of the public works building police, and no person so appointed after said date shall continue in such office or position if such person thereafter smokes any tobacco product; the personnel administrator shall promulgate regulations for the implementation of the provisions of this sentence.

**SECTION 12.** Section 1 of chapter 32 of the General Laws, as so appearing, is hereby amended by striking out the definition of "Actuarial equivalent" and inserting in place thereof the following definition:-

"Actuarial equivalent", any benefit of equal value when computed upon the basis of the Combined Annuity Table of Mortality set back one year and interest at the rate of three per cent per annum.

**SECTION 13.** Said section 1 of said chapter 32, as so appearing, is hereby further amended by striking out the definition of "Board" and inserting in place thereof the following definition:-

"Board", the appropriate retirement board established under the provisions of section twenty having jurisdiction of any contributory retirement system established under the provisions of sections one to twenty-eight, inclusive, or under corresponding provisions of any special laws, or the pension reserves investment management board established under the provisions of section twenty-three, or the metropolitan water resources authority retirement board.

**SECTION 14.** Said section 1 of said chapter 32, as so appearing, is hereby further amended by inserting after the definition of "Commissioner" the following three definitions:-

"Commonwealth funding schedule", the plan established by the commissioner of administration after reviewing all reports prepared pursuant to section thirty-five H of chapter ten and subdivision (3) of section twenty-one of chapter thirty-two, and approved by the general court and the house and senate committees on ways and means pursuant to the provisions of section twenty-two C which establishes the schedule of payments necessary pursuant to said section twenty-two C to pay the normal cost of benefits for the commonwealth and amortizes over the forty year period beginning July first, nineteen hundred and eighty-eight any unfunded actuarial liability of the commonwealth, including any other pension obligations of a system or of the commonwealth relative to future pension liabilities which the commonwealth may by general or special law assume on behalf of any system other than the state employees' or teachers' retirement systems, and further including the commonwealth's share for the costs of any cost of living adjustments pursuant to section one hundred and two, and those which are associated either with teachers employed by the city of Boston or with cost-of-living adjustments or other benefits for members of systems other than the state employees' retirement system and the teachers'

retirement system who are not teachers employed by the city of Boston. Said schedules shall be published by said commissioner and filed with the clerks of the senate and house of representatives, and with the retirement law commission.

The said commissioner shall revise such funding schedule after each actuarial valuation report prepared pursuant to section twenty-one to reflect any increase or decrease in the projected actuarial liability that may result from, without limitation, a review of the actuarial, economic and demographic assumptions on which such funding schedule is based; provided, however, that the house and senate committees on ways and means shall have reviewed and approved in advance such actuarial, economic, and demographic assumptions and the manner and methodology used in the development of the actuarial reports and recommendations, prior to the consideration of said actuarial valuations, reports, and schedules.

"Commonwealth's pension liability", the financial obligation of the commonwealth to pay all retirement benefits pursuant to this chapter for the state employees' and teachers' retirement systems, and to reimburse local retirement systems for cost of living adjustments pursuant to section one hundred and two and including any other pension obligations of a system or of the commonwealth relative to future pension liabilities which the commonwealth may assume by general or special law on behalf of any system other than the state employees' and teachers' retirement systems, and the commonwealth's financial obligations which are associated either with the teachers employed by the city of Boston or with cost-of-living adjustments or other benefits for members of systems other than the state employees retirement system and the teachers retirement system who are not teachers employed by the city of Boston.

"Commonwealth's Pension Liability Fund", the fund established under the provisions of subdivision (8) of section twenty-two for monies appropriated and set aside to meet all financial obligations for retirement benefits by the commonwealth, except such obligations as are payable from the Annuity Savings Fund and Annuity Reserve Fund of the state employees' and teachers' retirement systems.

**SECTION 15.** Said section 1 of said chapter 32, as so appearing, is hereby further amended by inserting after the definition of "Fiduciary" the following definition:-

"Funding system", any retirement system other than the state employees' retirement system and teachers' retirement system which accepts the provisions of section twenty-two D and adopts a funding schedule.

**SECTION 16.** Said section 1 of said chapter 32, as so appearing, is hereby further amended by inserting after the definition of "Membership service" the following definition:-

"Normal cost", that portion of the actuarial present value of the retirement system benefits and expenses which is allocated by the



funding method to the twelve-month period following the valuation date of the most recent actuarial valuation report pursuant to section twenty-one in such actuarial valuation report. In determining the normal cost, the actuary shall utilize the most recent actuarial valuation report whether prepared pursuant to section twenty-one or pursuant to section thirty-five H of chapter ten and pursuant to the provisions of section twenty-two C.

**SECTION 17.** The definition of "PRIM board" of said section 1 of said chapter 32, as so appearing, is hereby amended by inserting after the word "Fund", in line 343, the words:- and appropriated and set aside for the payment of pension obligations and future liability, including money in the Commonwealth's Pension Liability Fund.

**SECTION 18.** The definition of "Regular compensation" of said section 1 of said chapter 32, as so appearing, is hereby amended by adding the following sentence:- Regular compensation shall also mean compensation received by any member having made the election provided for in section ninety G 1/2 and serving after having attained age seventy pursuant to section ninety F or ninety G.

**SECTION 19.** Said section 1 of said chapter 32, as so appearing, is hereby further amended by inserting after the definition of "Retirement allowance" the following definition:-

"Retirement system funding schedule", the plan established by a retirement board, and approved by the actuary, after reviewing all reports prepared pursuant to section thirty-five H of chapter ten and subdivision (3) of section twenty-one of chapter thirty-two, which establishes the payments necessary pursuant to section twenty-two D to pay the normal cost of benefits for the system and amortizes over the forty-year period beginning July first, nineteen hundred and eighty-nine, or nineteen hundred and ninety, any unfunded actuarial liability of the system. Said schedule shall be published by said board and filed with the clerks of the government units participating in the system. The actuary may require said board to revise such funding schedule after each actuarial valuation report prepared pursuant to section twenty-one to reflect any increase or decrease in the projected actuarial liability that may result from a review of the actuarial, economic and demographic assumptions on which such funding schedule is based.

**SECTION 20.** Paragraph (g) of subdivision (2) of section 3 of said chapter 32, as so appearing, is hereby amended by striking out the first paragraph (g) and inserting in place thereof the following paragraph:-

Department heads shall furnish to the board within thirty days after employing any new personnel or after the receipt of a written request therefor, a statement giving the name, address, title, rate of regular compensation, duties, date of birth and length and class of service of each employee in his department, and shall notify the board within thirty days of any change in the title, address, rate of compensation, duties or

service of any employee in his department. Thereupon the board shall classify each member in one of the following groups:

**SECTION 21.** Subdivision (7) of said section 3 of said chapter 32, as so appearing, is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:-

(b) In no event shall the total benefits received by such member from all such systems be greater than he would have received had his total regular compensation been received from a single governmental unit. The amount of any pension, retirement allowance or other benefit to be paid on account of any person who is a member of two or more such systems shall be computed and paid in such proportions as may be ordered by the actuary. No pension or retirement allowance shall become effective on account of any such person's membership in one system until the date the member terminates his service in any other governmental unit. Any board may conduct separate medical examinations for any member who is a member of two or more systems; provided, however, that the commissioner may suspend or otherwise limit such examination upon recommendation of the regional medical panel if it determines such second examination would be unnecessary based on the evidence of the first examination. Any such person so jointly employed shall have all the rights and be subject to the liabilities under the provisions of sections one to twenty-eight, inclusive, as a member of each such system, and his liability for regular deductions and his right to benefits from each system shall be based upon his regular compensation received from the governmental unit to which such system pertains.

**SECTION 22.** Said subdivision (7) of said section 3 of said chapter 32, as so appearing, is hereby further amended by striking out paragraph (d) and inserting in place thereof the following paragraph:-

(d) If any person who is a member of two or more systems terminates his service in one governmental unit other than by retirement but continues in service in one or more other governmental units, his membership in the system pertaining to the former governmental unit shall thereupon be transferred to the system of the governmental unit to which he is devoting the major portion of his employment and the provisions of subdivision (8) of this section shall be applicable; provided, however, that an individual awarded a disability pension from the system pertaining to the former governmental unit who continues his service in one or more other governmental units shall waive receipt of the disability retirement allowance during the period of such continued service, and provided further, that the membership of such individual awarded a disability pension shall not thereupon be transferred to the system of the governmental unit to which he is donating the major portion of his employment. In no event shall any member be eligible to receive a retirement allowance from one system while continuing in service in any governmental unit, except as provided for in section ninety-one, or in section twenty-six of chapter six hundred and seventy

of the acts of nineteen hundred and forty-one, or in chapter sixteen of the acts of nineteen hundred and forty-two as amended. In no event shall any member who terminates his service in one governmental unit be entitled to withdraw his accumulated total deductions from the system pertaining to such governmental unit while still retaining his membership in any other system, except for the purpose of transfer thereof to such other system.

**SECTION 23.** Paragraph (c) of subdivision (8) of said section 3 of said chapter 32, as so appearing, is hereby amended by inserting after the first sentence the following two sentences:- The actuary shall consider length of service and whether the respective systems have elected to accept the provisions of paragraph (b 1/2) of subdivision (1) of section twenty-two when computing such portions. No system which has not accepted the provisions of said paragraph shall be assessed any costs for service in any other system which has accepted the provisions of said paragraph.

**SECTION 24.** Paragraph (l) of subdivision (1) of section 4 of said chapter 32, as so appearing, is hereby amended by inserting after the word "system", in line 123, the words:- who most recently became a member prior to January first, nineteen hundred and eighty-eight, and.

**SECTION 25.** Said subdivision (1) of said section 4 of said chapter 32, as so appearing, is hereby further amended by inserting after paragraph (l) the following paragraph:-

(l 1/2) Any member of a retirement system who most recently became a member on or after January first, nineteen hundred and eighty-eight, and is engaged in a teaching position and who has previously served in a position in the state department of education under the control of the commissioner of education but who was paid directly by the federal government from federal funds, may establish such service as creditable service by depositing in the annuity savings fund of the system of which he is a member the amount which would have been withheld as regular deductions from his salary for such service, plus regular interest to the date of such deposit.

**SECTION 26.** Paragraph (n) of said subdivision (1) of said section 4 of said chapter 32, as so appearing, is hereby further amended by inserting after the word "system", in line 143, the words:- who most recently became a member prior to January first, nineteen hundred and eighty-eight and.

**SECTION 27.** Said subdivision (1) of said section 4 of said chapter 32, as so appearing, is hereby further amended by inserting after paragraph (n) the following paragraph:-

(n 1/2) Any member of a retirement system who first became a member on or after January first, nineteen hundred and eighty-eight, and who previously served in a position with the Veterans Employment

Service of the United States Employment Service and who, during such service, was attached to and served at offices of the Division of Employment Security, but who was paid directly by the Federal Government from federal funds, may establish such service as creditable service by depositing in the annuity savings fund of the system of which he is a member the amount which would have been withheld as regular deductions from his salary for such service, plus regular interest to the date of such deposit.

**SECTION 28.** Paragraph (a) of subdivision (3) of said section 4 of said chapter 32, as so appearing, is hereby amended by adding the following sentence:- The board shall issue said prior service certificate within six months of the filing of a statement of service of any member.

**SECTION 29.** Said subdivision (3) of section 5 of said chapter 32, as so appearing, is hereby amended by adding the following paragraph:-

(e) The personnel administrator together with the commissioner of public health and the secretary of public safety shall establish health and physical fitness standards for employees referred to in section ninety-four, except those to whom section sixty-one A of chapter thirty-one applies. Such standards shall be established by regulations promulgated by the administrator after consultation with representatives of police, firefighter and other public safety unions, and the Massachusetts Municipal Association. Notwithstanding the provisions of this paragraph, any municipality may adopt, subject to collective bargaining, stricter health and physical fitness standards. Such standards shall be reasonably adjusted to reflect the age and experience of such employees. Such standards shall be utilized by boards to determine whether any such individuals employed after January first, nineteen hundred and eighty-eight are allowed to continue in employment in accordance with the procedures established in said section sixty-one A. Such standards shall be used to determine the employee's ability to perform his duties and are not to be construed to be the same as disability standards. Said personnel administrator shall establish a program of initial and in-service medical and physical fitness examinations in which such employees shall be required to participate at regular intervals. This section shall apply in all cities, towns, districts or other governmental units which accept the provisions of section five A.

The personnel administrator shall submit said regulations to the clerks of the house of representatives and senate, who shall refer said regulations to the appropriate standing committee of the general court. Within fifteen days of said referral, said committee shall transmit in writing to the administrator its recommendations, if any, for modifications to said regulations. Within fifteen days of receipt of any such recommendations, the administrator shall resubmit said regulations to said committee together with any modifications made thereto. If the general court takes no final action relative to said regulations within forty-five days of the date on which said regulations are first referred to said committee, said regulations shall be filed with the state secretary

pursuant to the provisions of section five of chapter thirty A. No such regulations shall take effect until filed with the state secretary in accordance with the provisions of this paragraph.

**SECTION 30.** Said chapter 32 is hereby further amended by inserting after section 5 the following section:–

Section 5A. Any city, town, district or other governmental unit which accepts the provisions of this section shall establish a wellness program for employees referred to in section ninety-four, except those to whom section sixty-one A of chapter thirty-one applies, if any, employed in such city, town, district or other governmental unit. Such wellness program shall be in accordance with the minimum requirements established by the department. The commonwealth and any agencies or authorities thereof shall establish such programs for any such employees employed by said commonwealth, agencies, or authorities, and shall be deemed to have accepted this section for the purposes of paragraph (e) of subdivision (3) of section five.

Any city, town, district or other governmental unit but not including the commonwealth, its agencies or authorities, which accepts the provisions of this section and provides wellness programs pursuant thereto shall be reimbursed for the lesser of (i) one-half the costs thereof or (ii) one hundred dollars per employee, by the commonwealth, upon certification by the secretary of public safety. The secretary shall certify the amount of such reimbursement to be paid to such city, town, district or other governmental unit from information filed on or before September first of each year with said secretary by the appointing authority.

**SECTION 31.** Subdivision (1) of section 6 of said chapter 32, as appearing in the 1986 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following five sentences:– Any member in service who becomes totally and permanently incapacitated for further duty before attaining age fifty-five and after completing fifteen or more years of creditable service, or any such member who is a veteran as defined in section one who becomes totally and permanently incapacitated for further duty before attaining the maximum age for his group and after completing ten or more years of creditable service, or any member in service in a retirement system accepting the ten year option provided for by this paragraph who becomes totally and permanently incapacitated for further duty before attaining age fifty-five and after completing ten or more years of creditable service, upon his written application on a prescribed form filed with the board and with his respective employer, or upon such an application by the head of his department after a hearing, if requested, as provided for in subdivision (1) of section sixteen and subject to the conditions set forth in said section sixteen and in this section, shall be retired for ordinary disability as of a date which shall be specified in such application and which shall be not less than fifteen days nor more than four months after the filing of such application but in no

event later than the maximum age for his group, nor earlier than the last day for which he received regular compensation. Any system may accept the ten year option provided for by this paragraph by majority vote of the board of each such system, subject to the approval of the legislative body. For purposes of this subdivision, "legislative body" shall mean a town meeting in a town, the city council in a city, the county retirement board advisory council in a county, and the district members in a district. Acceptance shall be deemed to have occurred upon the filing of a certification of such votes with the commissioner. For the purposes of this section, the state teachers' and state employees' retirement systems shall be deemed to have accepted the provisions of this section.

**SECTION 32.** Said section 6 of said chapter 32, as so appearing, is hereby further amended by striking out subdivision (3) and inserting in place thereof the following subdivision:-

(3) Regional Medical Panels. - (a) No member shall be retired for a disability under the provisions of this section or section seven unless he has been examined first by a regional medical panel and unless the physicians on such panel, after such examination, shall review the pertinent facts in the case, and such other written and oral evidence as the applicant and the employer may present to be reviewed in making a determination of the member's medical condition. No physician having previously examined the member, except as part of a prior disability medical panel, shall serve on the regional medical panel examining the member. At the conclusion of such examination, but in not more than sixty days, the panel shall certify to the board in writing whether such physicians on said panel find that such member is mentally or physically incapacitated for further duty and that such incapacity is likely to be permanent, and in any case involving a retirement under section seven, the panel physicians shall state further whether or not the disability is such as might be the natural and proximate result of the accident or hazard undergone on account of which retirement is claimed under said section seven.

For the purposes of this section the following terms shall have the following meanings:

"Associated physicians", a physician providing services under this section who has a direct and substantial financial interest unrelated to his service under this chapter which can be reasonably effected by another physician serving on the same medical panel in such a manner and to such an extent as to make it unlikely that the physician would be able to exercise independent judgment in providing such services; provided, however, that a physician providing said services through a disability review organization shall not be considered an associated physician; provided, further, that the physician has no direct and substantial financial interest in the profit and loss of said organization in such a manner and to such an extent as to make it unlikely that the physician would be able to exercise independent judgment.

Such regional medical panel shall be appointed by the commissioner of

public employee retirement from a pool of physicians developed after consultation with representatives of the Massachusetts Medical Society and the department of public health and shall consist of three physicians, who shall not be associated physicians, and who shall be selected for the purpose of examining the member whose retirement is under consideration and shall, so far as practicable, be skilled in the particular branch of medicine or surgery involved in the case.

Said examination shall be conducted in accordance with the standards outlined by the commissioner in rules and regulations promulgated pursuant to this chapter.

(b) Any medical examination of any member under the provisions of sections six to eight, inclusive, shall be conducted as soon as practicable and at a time and place convenient for all of the interested parties; provided, however, that such examinations shall so far as practicable occur within a region established by the commissioner of public employees retirement which has a reasonable geographical proximity to the board and member. The arrangement for such examination shall be made by the commissioner after sufficient notice to the retirement board and applicant and shall be conducted on a timely basis. In the case of any such examination of an employee of the commonwealth, the state retirement board shall notify the state agency having jurisdiction over the said employee to designate a physician to assist the state retirement board in representing the commonwealth in the medical panel examinations; and provided, further, that in the case of any teacher, the school committee or board of trustees having jurisdiction over such teacher shall upon request of the teachers' retirement board, designate a physician in representing the municipality or other governmental body.

If the panel fails to meet within sixty days after appointment by the commissioner to conduct their examination, or at any earlier time upon the request of the applicant, the commissioner shall require the three physicians to meet separately to conduct such examinations and the employer's physician and member's physician shall have the opportunity to attend each such examination. Upon receipt of such a request from an applicant, the commissioner shall establish such separate examinations as soon as practicable thereafter.

(c) The physicians composing the regional medical panel may obtain x-ray plates or other medical evidence which, in their judgment is necessary to determine the natural and proximate cause, nature and degree of disability of such member and shall obtain any existing evidence from initial and in-service examinations conducted pursuant to section sixty-one A of chapter thirty-one. The member and the employer may each be represented by counsel. A physical examination of such member shall be conducted by the medical panel.

The medical panel, after completing such examinations pursuant to this section, shall within sixty days report their findings and recommendations to the board. The regional medical panel shall attach to their finding a certificate, approved by the commissioner, certifying that their findings were arrived at independently of each other and free

of undue influence of any kind.

At the discretion of the member and his physician and the employer and its physician, said physicians may be present and may answer questions from the panel during the decision making process of the panel; provided, however, that neither physician shall have a vote in the final determination of such panel; and provided, further, that either physician may disagree with the findings of such panel and may indicate such opinion by signing and noting their objections on an appropriate medical certificate and by submitting a written statement as to their medical opinion involving such case.

Upon receipt of such medical panel report, the board shall within thirty days notify the employee and governmental unit in writing of the panel's finding.

The fees and expenses of physicians for services on any medical panel and all expenses for obtaining x-rays or other medical evidence in connection with such examination shall upon the approval of the commissioner be paid by the commonwealth in accordance with a fee and expense schedule established by the house and senate committees on ways and means. Such fees of the physician designated by the applicant which are not reimbursed by a third party shall also be paid by the commonwealth in accordance with said fee schedule. No such fees shall be paid unless the appropriate certificate provided herein has been filed.

(d) On the request of the state board of retirement or the teachers' retirement board, the commissioner shall designate a physician or physicians to advise such board in the determination of applications for ordinary disability retirement, accidental disability retirement, or in case of an application for accidental death benefit.

**SECTION 33.** Paragraph (a) of subdivision (2) of section 7 of said chapter 32, as so appearing, is hereby amended by striking out clauses (ii) and (iii), and inserting in place thereof the following two clauses:-

(ii) A yearly amount of pension equal to seventy-two per cent of the annual rate of his regular compensation on the date such injury was sustained or such hazard was undergone, or equal to seventy-two per cent of the average annual rate of his regular compensation for the twelve-month period for which he last received regular compensation immediately preceding the date his retirement allowance becomes effective, whichever is greater; provided, however, that for any employee who was not a member in service on or before January first, nineteen hundred and eighty-eight or who has not been continuously a member in service since that date, the total yearly amount of the sum of such pension and the annuity as determined in accordance with the provisions of clause (i) shall not exceed seventy-five per cent of the annual rate of regular compensation as determined in this paragraph; and provided further, that no individual who is a member in service on January first, nineteen hundred and eighty-eight, whose allowance is limited by the seventy-five per cent limitation as established in this paragraph shall receive an amount of pension that is less than seventy-two per cent of such individual's regular compensation on said



January first, nineteen hundred and eighty-eight; and

(iii) A yearly amount of additional pension determined at the rate of three hundred and twelve dollars yearly for any surviving unmarried child of such member who is under age eighteen or who was over said age and physically or mentally incapacitated from earning on the date of such member's retirement; provided, however, that in the state and teachers' systems and any other system electing to adopt the supplemental dependent allowance, the yearly amount of such additional pension shall be determined by the actuary as hereinafter provided. Such additional pension on account of any child shall be paid only so long as such child survives, remains unmarried and is under the age of eighteen or, if over said age, remains physically or mentally incapacitated from earning or, if over said age and under age twenty-one, is a full-time student at an accredited educational institution. The words "full-time student" shall mean a child who is in full-time attendance in an accredited educational institution offering full-time courses of study equivalent to or higher than secondary school study. The words "accredited educational institution" shall mean any school, college, or university that is licensed, approved, or accredited, as the case may be, in the state in which it is located. Beginning July first, nineteen hundred and eighty-eight, the additional pension provided by the supplemental dependent allowance shall be fixed at a rate of four hundred and fifty dollars for each eligible child. Beginning July first, nineteen hundred and eighty-nine, the supplemental dependent allowance rate shall be increased by an amount equal to the percentage increase of the cost of living determination made by the general court for such year pursuant to section one hundred and two. Systems may adopt the supplemental dependent allowance by an affirmative vote of the retirement board, ratified by the chief executive officer and legislative body as defined in paragraph (c) of subdivision (8) of section twenty-two. Adoption of the supplemental allowance by any system may not be revoked.

**SECTION 34.** Subdivision (2) of said section 7 of said chapter 32, as so appearing, is hereby amended by inserting after paragraph (b) the following paragraph:-

(b 1/2) The normal yearly amount of the allowance of any member retired under the provisions of this section and classified in Group 1, Group 2, or Group 4 who at the time of such retirement had attained the age of fifty-five and who at the time of such retirement had accrued fewer than ten years of creditable service shall be adjusted on the last day of the month in which he attains the age of sixty-five to that to which he would be entitled under the provisions of section five as prescribed for a member of his group, if he were to be retired for superannuation upon the attainment of age sixty-five except that,

(i) in place of the average annual rates of compensation referred to in paragraph (a) of subdivision (2), an amount shall be used which is equal to the yearly amount of his pension for the year ending on the last day of the month in which he attained age sixty-five, divided by the percentage by which his annual rate or average annual rate of regular compensation

was multiplied to determine the yearly amount of his pension at the time he was retired under the provisions of this section; and

(ii) to the number of years and full months of creditable service accrued at the time of his retirement under the provisions of this section shall be added, in accordance with regulations to be promulgated by the commissioner of public employee retirement, a number of years and full months of creditable service corresponding to the period for which he has received an allowance under this section. Nothing in section ten shall be held to contravene any of the provisions of this paragraph.

**SECTION 35.** Subdivision (3) of said section 7 of said chapter 32, as so appearing, is hereby amended by striking out paragraph (a) and inserting in place thereof the following paragraph:-

(a) Lapse of time or failure to file notice of an injury sustained or a hazard undergone as provided for in subdivision (1) of this section or subdivision (1) of section nine, as the case may be, shall not be a bar to proceedings under either of said sections if such member received payments on account of such injury or hazard under the provisions of chapter one hundred and fifty-two or in case he was classified in Group 2, Group 3 or Group 4 and not subject to the provisions of chapter one hundred and fifty-two, if a record of such injury sustained or hazard undergone is on file in the official records of his department.

**SECTION 36.** Paragraph (b) of subdivision (4) of said section 7 of said chapter 32, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- All such payments due under the provisions of this paragraph from the second governmental unit shall be charged to the pension funds of the system pertaining thereto, or if there is no such system then they shall be paid by such government unit from a special appropriation, and as received they shall be credited to or appropriated for the pension fund of the system pertaining to the first governmental unit.

**SECTION 37.** Section 8 of said chapter 32, as so appearing, is hereby amended by striking out subdivision (1) and inserting in place thereof the following subdivision:-

(1) Reexamination of Members. - (a) The board may require any member retired for disability under the provisions of section six or seven who has not attained age sixty or, in the case of a member so retired subsequent to his sixtieth birthday, the age of sixty-five, to submit to a mental or physical examination pursuant to paragraph (b) once in each year during the five-year period next succeeding the date of his retirement, and in each three-year period thereafter, by the regional medical panel provided for in subdivision (3) of section six, or upon a written request thereof by any such member. The board shall permit such examination at any time before he attains age sixty or sixty-five, as applicable, but not more frequently than once in any twelve-month period. If such member shall refuse to submit to any such required examination, his retirement allowance may be discontinued, and if such

refusal continues for one year thereafter, all his rights in and to the pension provided for in section six or seven shall be revoked by the board.

(b) Each retirement board shall, subject to the provisions of paragraph (a), establish a program for the reevaluation of members retired on a disability under the provisions of this chapter which shall consist of the following:-

(i) No less often than once in each year during the five-year period next succeeding the date of his retirement and once every three years thereafter prior to his attainment of the age of sixty, or in the case of a member retired subsequent to his sixtieth birthday, the age of sixty-five, each retired member shall be subject to a desk review of his disability conducted by the board.

(ii) If, as a result of such desk review, as a result of the submission of earnings information under section ninety-one A, or as a result of the completion of a rehabilitation program under subdivision (5) of section twenty-one, the board determines that the disability warrants further review, the board shall petition the commissioner to appoint either a single physician or a three member regional panel to examine the retired member, notwithstanding the time limitations of paragraph (a). If a single physician is appointed, he shall conduct an independent reexamination and shall forward his recommendations to the board and the commissioner.

(iii) If the single physician recommends that a further examination of the retired member is warranted, the board shall immediately petition the commissioner for the establishment of a three member regional medical panel to conduct a reexamination of the member within sixty days.

**SECTION 38.** Paragraph (b) of subdivision (2) of said section 8 of said chapter 32, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following two sentences:- Any creditable service in effect for him at the time of his retirement for disability shall thereupon be restored to full force and effect, and upon his subsequent retirement he shall be entitled to a normal yearly amount of retirement allowance computed as though such disability retirement and reinstatement had not taken place. No additional member contributions shall be required as a precondition of receiving any such creditable service.

**SECTION 39.** Said section 8 of said chapter 32, as so appearing, is hereby further amended by striking out subdivision (3) and inserting in place thereof the following subdivision:-

(3) Modifications of retirement allowance. - If, as a result of the report of such medical panel, as a result of the submission of earnings information under section ninety-one A, or as a result of the completion of a rehabilitation program under subdivision (5) of section twenty-one, the board finds that such retired member is engaged or is able to engage in gainful occupation and that the annual rate of his actual or potential earnings is less than his regular compensation as defined in this

subdivision, but is more than the difference between such regular compensation and the normal yearly amount of his retirement allowance, then the yearly amount of his pension shall be reduced, and if his actual or potential earnings are more than such regular compensation, his pension shall be suspended. Notwithstanding any other provisions of this section, if such retired member submits earnings information pursuant to section ninety-one A, indicating earnings in excess of regular compensation, as therein described, such member's pension shall be reduced as provided for in this subdivision and shall not be increased for a period of one year unless a medical panel finds that the mental or physical condition of such member has deteriorated. If the annual rate of his earnings should later be changed, the yearly amount of his pension shall be further modified by reinstating, increasing, reducing, or suspending it, as the case may be. The yearly amount of such reduced or modified pension at all times shall be equal to the excess, if any, of the amount of such regular compensation over the sum of the yearly amount of regular life annuity payable to him under clause (i) of Option (a) of subdivision (2) of section twelve and the annual rate of his current actual or potential earnings, but in no event shall it exceed the yearly amount of the pension originally granted to him as adjusted pursuant to section one hundred and two. For purposes of this subdivision, regular compensation means, subject to further definition by regulations of the division of public employee retirement administration, regular compensation which would have been payable during the preceding year had the member continued in service in the grade held by him at the time he was retired. The commissioner of public employee retirement administration shall, subject to the provisions of section fifty of chapter seven, promulgate regulations for the determination of the potential earnings of any such retired member based upon such member's functional capacity, age, education and experience. Any such modification may be appealed by the member to the contributory retirement appeals board.

Unless the board, as a result of the report of such medical panel finds that the mental or physical condition of such retired member has improved, no such reduction shall be based on the potential earnings of such retired member prior to the later of (i) the thirteenth month following the date on which such initial finding is made by said board or (ii) the nineteenth month following the date on which such member was retired. Any member subject to a reduction other than upon the report of a medical panel may request a medical panel as provided for in subdivision (1). If such request is filed within fifteen days of the initial finding of the board, no reduction shall be made until the medical panel report is received by said board and the initial finding is confirmed or altered by such board.

**SECTION 40.** Said section 8 of said chapter 32, as so appearing, is hereby further amended by adding the following subdivision:-

(4) The commissioner of public employee retirement may require any member retired for disability under the provisions of section six or seven

who has not attained the of sixty or, in the case of a member so retired subsequent to his sixtieth birthday, the age of sixty-five to participate in an evaluation to determine whether such member might benefit from a medical or vocational rehabilitation program. Such evaluation may include medical examinations, vocational testing and meetings and consultation with physicians and vocational counselors to consider and design a suitable rehabilitation program. Such rehabilitation programs shall include only services which shall appear on a list established by the commissioner pursuant to subdivision (5) of section twenty-one or as specifically approved by said commissioner. If such member shall refuse to submit to any such evaluation, his retirement allowance may be discontinued, and if such refusal continues for one year thereafter all his rights in and to the pension provided for in section six or seven shall be revoked by the board.

If, following evaluation, the board determines that such retired member may benefit from such a rehabilitation program, the board shall offer to provide such rehabilitation program for such member and shall pay the costs of the program less any benefits payable under insurance policies of the member for such programs and less any scholarships or grants otherwise available for such programs. If the commissioner approves the rehabilitation program offered by the board, said commissioner shall reimburse the board for the costs of such program. No such program shall extend longer than fifty-two weeks unless the commissioner so approves. No member shall be required to participate in any rehabilitation program. Any such member who, in the determination of the commissioner, might benefit from any such program may, if denied access to such a program by the board, appeal such denial to the commissioner. If, upon such appeal, the commissioner determines that such member might benefit from such rehabilitation program, he shall approve and offer to provide and pay for such program.

**SECTION 41.** Subdivision (3) of section 11 of said chapter 32, as so appearing, is hereby amended by striking out, in lines 109, 128, 133' and 136 the words "pension reserve fund" and inserting in place thereof, in each instance, the words:- Pension Reserve Fund or the Commonwealth's Pension Liability Fund.

**SECTION 42.** Option (c) of subdivision (2) of section 12 of said chapter 32, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Joint and Last Survivor Allowance. – A lesser retirement allowance which shall be payable to such member during his lifetime, with the provisions that two-thirds of the yearly amount of such lesser retirement allowance shall be continued during the lifetime of and paid to such surviving eligible beneficiary as such member shall have nominated in his written election of this option; provided, however, that such eligible beneficiary shall receive not less than two-thirds of the retirement allowance such member is receiving at the time of his death; and provided, further, that if such eligible beneficiary dies on or after the

date such lesser retirement allowance becomes effective and before the death of such member, such member thereafter shall be paid a full retirement allowance and may not choose another option. Such full retirement allowance shall be determined by multiplying the amount of the lesser retirement allowance at the time of the death of such eligible beneficiary by a fraction the numerator of which is the yearly amount of the full retirement allowance which such member would have received at the time his retirement allowance became effective if he had elected that it be paid in accordance with the terms of Option (a), and the denominator of which is the yearly amount of the lesser retirement allowance which such member received at the time his retirement allowance first became effective.

**SECTION 43.** The second paragraph of said Option (c) of said subdivision (2) of said section 12 of said chapter 32, as so appearing, is hereby amended by striking out the second and third sentences and inserting in place thereof the following two sentences:- The yearly amount of such lesser retirement allowance shall be determined so that the actuarial value of the prospective payments to such member, including those for a full retirement allowance made in accordance with the first paragraph of this option, and to such eligible beneficiary shall, on the date such allowance becomes effective, be the actuarial equivalent of the value on such date of the full retirement allowance specified in Option (a). Any such lesser retirement allowance payable under this option shall be divided between annuity and pension in the same proportion as the corresponding full retirement allowance specified in said Option (a) is so divided, and any such full retirement allowance payable under this option shall be divided between annuity and pension in the same proportion as the lesser retirement allowance which it replaces.

**SECTION 44.** Option (d) of said subdivision (2) of said section 12 of said chapter 32, as so appearing, is hereby amended by striking out the eighth paragraph and inserting in place thereof the following paragraph:-

Any eligible beneficiary or spouse having a right under this option may, within ninety days from the date that the board mailed notice regarding the right of election to the spouse or eligible beneficiary, make any make-up payments which at the time of death the member had a right to make for the purpose of obtaining credit for service rendered by the member prior to his last becoming a member.

**SECTION 45.** Subdivision (1) of section 14 of said chapter 32, as so appearing, is hereby amended by striking out, in lines 7 and 8, the word "thirty-five A" and inserting in place thereof the words:- thirty-four B, thirty-five A, thirty-five F.

**SECTION 46.** Said chapter 32 is hereby further amended by inserting after section 14 the following section:-

Section 14A. Third Party Recovery. If a member or beneficiary

entitled to a pension under the provisions of section six, seven or nine, also has a right to recover lost wages from any party other than his employer by reason of the same injury or death of such member, the amount of any such recovery for lost wages shall be offset against and payable in lieu of any pension payable on his account under the provisions of said sections according to a schedule approved by the actuary which is consistent with that set forth in paragraph (c) of subdivision (1) of section fourteen. If any such member or beneficiary neglects or fails to prosecute fully such right, the board shall prosecute such right on the member's behalf. In the event the member or beneficiary fails to cooperate with the board in its prosecution thereof the board may, during the period of such failure, suspend such member's or beneficiary's right to further payment under the provisions of section six, seven or nine.

**SECTION 47.** Section 15 of said chapter 32, as so appearing, is hereby amended by adding the following subdivision:-

(4) Forfeiture of pension upon misconduct. - In no event shall any member after final conviction of a criminal offense involving violation of the laws applicable to his office or position, be entitled to receive a retirement allowance under the provisions of section one to twenty-eight, inclusive, nor shall any beneficiary be entitled to receive any benefits under such provisions on account of such member. The said member or his beneficiary shall receive, unless otherwise prohibited by law, a return of his accumulated total deductions; provided, however, that the rate of regular interest for the purpose of calculating accumulated total deductions shall be zero.

**SECTION 48.** Section 16 of said chapter 32, as so appearing, is hereby amended by striking out subdivision (4) and inserting in place thereof the following subdivision:-

(4) Right of Appeal to Contributory Retirement Appeal Board. - There shall be an unpaid contributory retirement appeal board which shall consist of three members as follows: an assistant attorney general who shall be designated in writing from time to time by the attorney general who shall act as chairman, the commissioner of public employee retirement or an assistant who shall be designated in writing, from time to time, by the said commissioner, and a member appointed by the governor for a term of five years. In the event the matter before the contributory retirement appeal board deals with any matter related to disability retirement or interim benefits as awarded by the division of administrative law appeals, the commissioner of public health or his designee shall substitute for the commissioner of public employee retirement.

The members of the contributory retirement appeal board shall be compensated for any expenses incurred in the performance of their official duties. On matters other than those subject to review by the district court as provided for in subdivision (3), or other than those which would have been subject to review had the requirement for the minimum

period of creditable service been fulfilled, any person when aggrieved by any action taken or decision of the retirement board or the commissioner of public employee retirement rendered, or by the failure of a retirement board or the commissioner of public employee retirement to act, may appeal to the contributory retirement appeal board by filing therewith a claim in writing within fifteen days of notification of such action or decision of the retirement board or the commissioner, or may so appeal within fifteen days after the expiration of the time specified in sections one to twenty-eight, inclusive, within which a board or the commissioner must act upon a written request thereto, or within fifteen days after the expiration of one month following the date of filing a written request with the board or the commissioner if no time for action thereon is specified, in case the board or the commissioner failed to act thereon within the time specified or within one month, as the case may be. The contributory retirement appeal board, after giving due notice, shall, not less than ten nor more than sixty days after filing of any such claim of appeal, assign such appeal to the division of administrative law appeals for a hearing. The division of administrative law appeals shall maintain the official records of the contributory retirement appeal board. The contributory retirement appeal board shall pass upon the appeal within six months after the conclusion of such hearing, and its decision shall be final and binding upon the retirement board involved and upon all other parties to the appeal, and shall be complied with by such board and by such parties. Any person, upon making an appeal involving a disability retirement allowance, shall be permitted to retire for superannuation retirement, if otherwise eligible, pending the decision of the contributory retirement appeal board, but in no event shall such action prejudice the person from receiving any further benefits which the contributory retirement appeal board may grant in its decision nor shall the person upon a finding in favor of the employer be required to reimburse the employer for payments made prior to the decision of the contributory retirement appeal board.

On appeals involving disability or where medical reports are part of the proceedings, the contributory retirement appeal board may request further information from the members of the appropriate regional medical panel, or may employ a registered physician to advise them in determination of an appeal.

The contributory retirement appeal board shall have the power to subpoena witnesses, administer oaths and examine such parts of the books and records of the parties to a proceeding as relate to questions in dispute. Fees for such witnesses shall be the same as for witnesses before the courts in civil actions, and shall be paid from the Appropriation Fund of the division of administrative law appeals.

The contributory retirement appeal board, acting through the division of administrative law appeals, shall arrange for the publication of its decisions and the cost of such publication shall be paid from the Appropriation Fund of the division of administrative law appeals.

The contributory retirement appeal board shall establish a fee structure for appeals brought under this section, which shall be subject



to the approval of the commissioner of administration.

The division of administrative law appeals shall submit to the contributory retirement appeal board on an annual basis a report on the status of all cases that have been assigned to the division of administrative law appeals for a hearing.

**SECTION 49.** Section 18 of said chapter 32, as so appearing, is hereby amended by inserting after subdivision (1) the following subdivision:-

(1A) Filing of Reports and Penalties for Failure to File. – The treasurer or other disbursing officer in charge of payroll in any governmental unit or agency to which a system pertains, upon request from the board or the commissioner shall submit such written information as shall be required by the provisions of section one to twenty-eight, inclusive, or by rules and regulations of the board or the commissioner consistent with the law. If the board or the commissioner determines that there has been unreasonable delay in filing of any such required information, the board or the commissioner shall so notify in writing such treasurer or other disbursing officer. If within thirty days thereafter, the board or the commissioner has not received such required information, it shall so notify the treasurer or other disbursing officer and the chief executive officer for the governmental unit. The board or the commissioner may petition the superior court to compel compliance with this section and enforce the penalty thereunder.

**SECTION 50.** Paragraph (b) of subdivision (3) of section 20 of said chapter 32, as so appearing, is hereby amended by striking out the second and third sentences and inserting in place thereof the following sentence:- Said board shall consist of three members as follows: the county treasurer, who shall be a member ex officio and serve as chairman, one member hereinafter referred to as the elected member, and one member of the county retirement board advisory council who shall be elected by a majority of those present and voting at a public meeting of said council, properly posted, called specifically for such election pursuant to paragraph (g).

**SECTION 51.** Subdivision (5) of said section 20 of said chapter 32, as so appearing, is hereby amended by striking out, in lines 657 and 658, the words "as provided for in subdivision (3) of section six".

**SECTION 52.** Paragraph (g) of said subdivision (5) of said section 20 of said chapter 32, as so appearing, is hereby amended by adding the following four sentences:-

If the commissioner determines that there has been unreasonable delay in the filing of any such required data, the commissioner shall so notify such board in writing. If within thirty days thereafter the commissioner has not received such required data, he shall so notify the board and the chief executive officer for the governmental unit or units to which the system pertains. The commissioner may petition the superior court to compel compliance with this paragraph. To ensure the maintenance of

accurate and current membership records and payment information, the commissioner may, for any system which fails to submit the requested information within sixty days of the second board notification, send his agent or agents to examine the records and accounts of the system and to direct such actions by the board or its employees as may be required to comply with acceptable recordkeeping and accounting standards.

**SECTION 53.** Paragraph (h) of said subdivision (5) of said section 20 of said chapter 32, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:– Investments of the system shall be carried at values determined by the commissioner in accordance with the requirements of paragraph (b) of subdivision (1) of section twenty-one.

**SECTION 54.** Paragraph (i) of said subdivision (5) of said section 20 of said chapter 32, as so appearing, is hereby amended by striking out the first and second sentences and inserting in place thereof the following six sentences:– Each board shall prepare annually a report which shows the financial condition of the system as of December thirty-first of the previous year in a manner which can be easily understood by the members of said system. Such report shall contain information showing the financial transactions of the previous year, statistical information with reference to the membership of the system, a summary of the findings of any timely audit reports, a summary of the board's investment policy, a summary of the system's investment portfolio as of December thirty-first of the previous year, and information with regard to the system's most recent actuarial valuation including the unfunded actuarial liability as of the valuation date. Each board shall file a copy of its report with the governmental unit in which the system is established. A copy of the report or a summary thereof shall be made available upon request to each member of the system and to other interested persons. Each board shall annually, on or before July first, furnish to each member of the system an annual statement for the previous calendar year relative to the status of the member's account. Such statement shall show either the total contribution since the member entered the retirement system, the total amount of interest which has accrued, and the combined total in the account as of the end of the previous calendar year, or the regular deductions for the previous calendar year, additional deductions, if any, for the previous calendar year, regular interest credited for the previous calendar year, and accumulated total deductions as of the close of the previous calendar year.

**SECTION 55.** Said subdivision (5) of said section 20 of said chapter 32, as so appearing, is hereby amended by adding the following:–

(k) Upon the written request of any member or his authorized representative, each board shall provide such member or representative, within thirty days of receipt of such request, a written notice of the benefits to which such member is or may be entitled under the provisions

of this chapter, including the dates on which such member will become eligible to receive such benefits, and the effect of such benefits, if any, on any benefits such member may be eligible to receive pursuant to the federal social security act. Such notice shall be on a form prescribed by the commissioner of the division of public employee retirement administration.

**SECTION 56.** Said chapter 32 is hereby further amended by inserting after section 20A the following section:–

Section 20B. Indemnification. – In any civil action brought against a member, employee or the investment committee of the state retirement board, the teachers' retirement board, or any member or employee of the pension reserves investment management board the defense or settlement of which is made by the attorney general or by an attorney employed by said board, such member, committeeman or employee shall be indemnified for all expenses incurred in the defense thereof and shall be indemnified for damages to the same extent as provided for public employees in chapter two hundred and fifty-eight; provided, however, that the claim arose out of acts performed by such member, committeeman or employee while acting within the scope of his official duties; and provided, further, that no member, committeeman or employee shall be indemnified for expenses in an action or damages awarded in such action, in which there is shown to be a breach of fiduciary duty, an act of willful dishonesty or an intentional violation of law by such member, committeeman or employee.

**SECTION 57.** Paragraph (a) of subdivision (1) of section 21 of said chapter 32, as appearing in the 1986 Official Edition, is hereby amended by striking out the first two sentences and inserting in place thereof the following five sentences:– The commissioner of public employee retirement shall prescribe and supervise methods of accounting and recordkeeping for each system maintained under the provisions of this chapter. To ensure the maintenance of accurate and current membership records and payment information, the commissioner, for any board which fails to submit the requested information upon notice as prescribed in subdivision (5) of section twenty, may send his agents to examine the records and accounts of the board and to direct such action by the board or its employees as may be required to comply with acceptable recordkeeping and accounting standards. The commissioner shall require each board to keep in convenient form such data as is required for the purpose of valuing the assets, determining the liabilities of the system, making actuarial investigation of the experience of the system, and for promulgating rules and regulations governing the administrative procedures and for maximizing the assets of such system. Such data shall be submitted to the office of the commissioner of public employee retirement within such time as he may specify. The commissioner or his agent shall conduct an in-depth field examination of each board at intervals not exceeding three years to ascertain its financial condition, its ability to fulfill its obligations, whether all

parties in interest have complied with the laws applicable thereto, and whether the transactions of the board have been in accordance with the rights and equities of those in interest.

**SECTION 58.** Said subdivision (1) of said section 21 of said chapter 32, as so appearing, is hereby further amended by striking out paragraph (b) and inserting in place thereof the following paragraph:-

(b) Each such system, except any system appropriating funds pursuant to a funding schedule adopted in accordance with the provisions of section twenty-two C or twenty-two D as the case may be, shall be credited in its financial accounts with its investments having a fixed term and rate, if amply secured in the judgment of the commissioner of public employee retirement and not in default as to principal or interest, as follows: if purchased at par, with the par value; if purchased above or below par, with an amortized value so determined as to yield approximately the effective rate of interest at which the purchase was made and to bring the value to par at the date of maturity or at the date the security is first callable at par if prior thereto; provided, however, that the purchase price of any such security shall not be taken at a higher value than its actual market value when purchased; and provided, further, that the value of any security on the date of any valuation thereof shall not be taken at a higher value than its callable value, if any, on such date. The commissioner of public employee retirement shall have full power and discretion in determining the methods of calculating values according to the foregoing rules, and the values found by him in accordance with such methods shall be final and binding; provided, however, that any investments in United States savings bonds purchased on a discount basis may be credited at their redemption value or at their amortized value, as the board shall determine. The commissioner of public employee retirement shall also have full power and discretion in determining the method of calculating the values of any other investments of any system; provided, however, that the calculation of such values shall be consistent with methods prescribed by the Government Accounting Standards Board or methods allowed by the Employee Retirement Income Security Act, so-called.

**SECTION 59.** Subdivision (2) of said section 21 of said chapter 32, as so appearing, is hereby amended by striking out, in lines 85 and 98, in each instance, the word "deputy".

**SECTION 60.** Said section 21 of said chapter 32, as so appearing, is hereby further amended by striking out subdivision (3) and inserting in place thereof the following subdivision:-

(3) Duties of the Actuary. - The commissioner or his actuary or other agent with his approval shall be the technical advisor of the board of each such system in matters relating to the applicable provisions of this chapter, and in matters relating to the operation of the system, and shall perform such actuarial duties as are required in connection therewith, including, but not limited to:-

(a) the approval of the amount of allowances under the provisions of said chapters, provided, however, that in the case of any system which calculates allowances with an automated system, the actuary shall instead review and approve said automated system, and any allowances calculated by an approved automated system shall be deemed to have been approved by the actuary; provided, further, that for any such system which calculates such allowances with an automated system, the commissioner may require from time to time and the system shall provide any additional information relative to the use of such automated system that the commissioner may deem appropriate; and provided, further, that any system failing to submit any such allowances for review shall be subject to such intervention and supervision as the commissioner deems necessary pursuant to the provisions of subdivision (1);

(b) the review of all actuarial valuation reports prepared pursuant to the provision of paragraph (k) of subdivision (5) of section twenty or the provisions of section twenty A of chapter ten;

(c) the preparation of an actuarial valuation report for each system;

(d) the periodic review of the mortality and experience of each system; and

(e) such other investigations as the commissioner shall deem necessary.

The commissioner of administration shall require the preparation of triennial actuarial valuation reports, with the first one to be completed as of January first, nineteen hundred and eighty-eight and experience investigations every six years in such manner as he deems most appropriate.

(i) The periodic experience investigation required shall accompany every other actuarial valuation report and shall cover the six-year period ending as of the end of the year preceding the date for which the actuarial valuation report is filed. For the initial filing pursuant to this chapter, the experience investigation shall be made for the six-year period ending as of the end of the plan year occurring on or after December thirty-first, nineteen hundred and eighty-seven and before December thirty-first, nineteen hundred and eighty-eight. The experience investigation shall be filed with the commissioner of administration, the commissioner of public employee retirement, and the clerks of the house and senate.

(ii) The actuarial valuation report and experience investigation required shall be prepared under the supervision and at the direction of the commissioner of administration, and said commissioner shall also be responsible for the filing of the documents. The actuarial valuation report and experience investigation shall be signed by said commissioner indicating that to the extent of his understanding and knowledge, the report or investigation represents a true and accurate portrayal of the actuarial, financial and demographic condition of the retirement systems.

(iii) Each actuarial valuation report and experience investigation is a public record. The commissioner of administration shall take whatever steps are deemed necessary to insure that the information contained in the actuarial valuation report or experience investigation is made

available to active members or benefit recipients of the retirement systems.

(iv) The actuarial valuation report shall contain actuarial exhibits, financial exhibits and demographic exhibits. The actuarial exhibits shall be prepared and certified by an enrolled actuary. The remaining exhibits may be prepared by a qualified person other than an enrolled actuary. The financial and demographic exhibits shall be prepared as of the year ending immediately prior to the valuation date.

(v) For each retirement system, all applicable actuarial exhibits shall be prepared in accordance with the entry age normal actuarial cost method with entry age established as the actual entry age for all plan members unless there are compelling reasons of an actuarial nature for the use of an alternative actuarial cost method.

(vi) The actuarial cost method shall be used to value all aspects of each retirement system, unless there are compelling reasons of an actuarial nature for the use of approximation techniques other than the actuarial cost method for aspects of the retirement system other than the retirement benefit.

(vii) The actuarial exhibits shall use actuarial assumptions which are, in the judgment of the actuary and the commissioner of administration, the best available estimate of future occurrences in the case of each assumption in the aggregate. With respect to economic actuarial assumptions, which shall include estimates of rates of future occurrences concerning, but not necessarily limited to, increases in salary, growth in state revenues, post retirement adjustments, investment earnings, asset appreciation or depreciation and procedures to determine the actuarial value of assets used in the preparation of actuarial valuations of the retirement system and other actuarial calculations, documentation explaining and justifying the choice of assumptions shall accompany the report. The actuarial exhibits shall measure all aspects of the retirement system in accordance with modifications in the statutory benefits, if any, and salaries which as of the valuation date are known or can reasonably be expected to be in force during the ensuing calendar year.

**SECTION 61.** Subdivision (5) of said section 21 of said chapter 32, as so appearing, is hereby amended by striking out paragraphs (b), (c) and (d) and inserting in place thereof the following four paragraphs:-

(b) The commissioner shall in conjunction with the industrial accident department establish a list of medical and vocational rehabilitation facilities, both public and private, and physicians as are available to render competent medical rehabilitation services for disabled persons. Medical rehabilitation services shall include medical, surgical, hospital, prosthesis, and physical restoration services. No medical rehabilitation facility shall be considered as qualified unless it is established to provide rehabilitation services for persons suffering from some specialized or general type of disability within the field of employment injury, and unless such facility is operated under the supervision of a licensed physician or licensed physical therapist qualified to render rehabilitation

services and is staffed with trained and qualified technicians. No physician or physical therapist shall be considered as qualified unless he has had experience for a reasonable term of years in a qualified rehabilitation facility.

(c) The commissioner shall make available to every board the list of qualified physicians and medical and vocational rehabilitation facilities. The commissioner shall also review proposed rehabilitation programs not contained in such lists which may be submitted to the commissioner by boards from time to time for approval. If the commissioner finds that such proposed rehabilitation programs meet equivalent standards as those qualified facilities on the list, the commissioner shall approve such programs. The commissioner shall monitor the quality of rehabilitation programs and facilities and the utilization of rehabilitation programs by each board, including the successful completion of such programs and the effect of such programs on the finances of the public employee retirement system.

(d) As soon as practicable following notice of the retirement of a member for disability under section six, seven, or twenty-six, the commissioner shall conduct an evaluation to determine whether such member might benefit from a medical or vocational rehabilitation program listed in paragraph (b) or otherwise approved by the commissioner. To assist in this determination the commissioner may require any such member to be examined by a physician qualified to render rehabilitation services or by a vocational counselor selected by the commissioner, or both, for a recommendation as to the need and nature of any such rehabilitation program. If the commissioner determines that such member might benefit from any such program, he shall so notify such member and the retirement board which shall select a public or private rehabilitation agency having a rehabilitation program suitable for such member. Such member shall meet with the agency selected and shall cooperate with the agency in the design of a suitable rehabilitation program. If the board determines that such retired member may benefit from such rehabilitation program, and that the program is reasonable in its terms and cost, the board shall approve and offer to provide and pay for such program as provided in section eight. If the commissioner approves the rehabilitation program offered by the board, said commissioner shall reimburse the board for the costs of such program. No member shall be required to participate in any such rehabilitation program. Notwithstanding the provisions of sections eight and ninety-one A there shall be no reduction in the retirement allowance of any member participating in a rehabilitation program approved by the commissioner on account of actual or potential earnings arising out of such rehabilitation program. Any such member who, in the determination of the commissioner, might benefit from any such program may, if denied access to such a program by the board, appeal such denial to the commissioner. If, upon such appeal, the commissioner determines that such member might benefit from such rehabilitation program, he shall approve and offer to provide and pay for such program.

(e) The commissioner shall keep a record of all disabled members

subject to or receiving rehabilitation and shall provide that record to the retirement boards.

**SECTION 62.** Said section 21 of said chapter 32, as so appearing, is hereby further amended by adding the following subdivision:–

(6) Public Employee Retirement and Disability Data System. – The commissioner of public employee retirement administration shall establish and maintain a comprehensive system of data relative to the contributory retirement and disability systems. The data system shall include sufficient information:–

(a) to produce accurate and up-to-date actuarial valuations, reports, and projections for each retirement system;

(b) in each of the areas of (1) disability retirement pursuant to sections six and seven, (2) disability after retirement pursuant to section five, (3) compensation pursuant to chapter one hundred and fifty-two, and (4) leave without loss of pay pursuant to section one hundred and eleven F of chapter forty-one, to review the status of each disabled individual as well as to review and report disability rates, types of disability, types of occupational injuries, effects of particular risk factors, effects of wellness and rehabilitation programs, and costs of disability programs, and to compare employment statistics by occupation with disability statistics;

(c) to produce an annual report of the investment portfolio, return on investment, and management performance of each retirement system;

(d) to index the decisions of the contributory retirement appeal board and other interpretations of retirement and disability law; and

(e) to calculate and record assessments on each retirement system by the division of public employee retirement administration.

Each board shall provide the commissioner with such information as the commissioner deems necessary to establish and maintain the data system. The executive head of each governmental unit of the head of each department shall provide the commissioner each year with such employment and occupational information as he deems necessary to establish and maintain the data system, in such form as he requires.

The commissioner shall make any information or data collected pursuant to this section available to the retirement law commission upon request of said commission.

**SECTION 63.** The first paragraph of section 22 of said chapter 32, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– All the assets of each system as they exist at the commencement of business on January first, nineteen hundred and forty-six, and all the assets of each system received, acquired or held on or after such date shall, subject to the provisions of sections one to twenty-eight, inclusive, be credited according to the purposes for which they are received, acquired or held to one of the seven following funds in the system: the Annuity Savings Fund, the Annuity Reserve Fund, the Pension Fund, the Special Fund for Military Service Credit, the Expense Fund, the Pension Reserve Fund,



and the Commonwealth's Pension Liability Fund.

**SECTION 64.** Subdivision (1) of said section 22 of said chapter 32, as so appearing, is hereby amended by inserting after paragraph (b) the following paragraph:-

(b 1/2) The provisions of section fifty of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight shall not apply to any member of the state employees' and state teachers' retirement system, or systems electing to accept the provisions of this paragraph. Any system may accept the provisions of this paragraph by majority vote of the board of each such system, subject to the approval of the legislative body. For purposes of this paragraph "legislative body" shall mean a town meeting in a town, the city council in a city, the county retirement board advisory council in a county, and the district members in a district. Acceptance shall be deemed to have occurred upon the filing of a certification of such votes with the commissioner. Any system electing to accept the provisions of this paragraph shall be required to annually appropriate to the Pension Reserve Fund, in addition to such other amount as might be required by this chapter, an amount equal to the employer's normal cost of removing the restriction provided by said section fifty of said chapter three hundred and sixty-seven, plus such amount as is required to amortize over fifteen years the liability created by such removal for such of those employees who entered service on or after January first, nineteen hundred and seventy-nine and prior to January first, nineteen hundred and eighty-eight. For any member of any system accepting the provisions of this paragraph who entered the service of the commonwealth or a political subdivision thereof on or after January first, nineteen hundred and seventy-nine, the treasurer or other disbursing officer in charge of payroll in any governmental unit to which a system pertains, shall withhold on each pay day, in addition to the amounts withheld pursuant to paragraph (b) an additional two per cent of such member's regular compensation over thirty thousand dollars. In any system filing a certificate of acceptance with the commissioner on or before July first, nineteen hundred and eighty-eight, the treasurer or other disbursing officer in charge of payroll in any governmental unit to which a system pertains shall withhold, from the regular compensation of such member subject to the additional amounts provided for by this paragraph, in such installments as the retirement board shall direct, an amount equal to the additional amount which would have been withheld from such member's regular compensation pursuant to this paragraph between January first, nineteen hundred and eighty-eight and the date the certificate of acceptance is filed. In any system filing a certification of acceptance with the commissioner after July first, nineteen hundred and eighty-eight, the additional deduction shall start as of the date of filing said application and no deductions shall be made from any regular compensation received between January first, nineteen hundred and eighty-eight and the date said certification is filed; provided, however, that the liability created by removing the restriction provided by said section fifty for the payroll

period from January first, nineteen hundred and eighty-eight and the date said certification is filed shall be added to the amount to be amortized over fifteen years through the annual appropriation as required by this paragraph; and provided, further, that all service in such system after January first, nineteen hundred and eighty-eight shall be credited as non-section fifty restricted service. Notwithstanding any other provision of this chapter, the calculation of the retirement allowance of any member who entered service after January first, nineteen hundred and seventy-nine where such member has both section fifty restricted service and non-section fifty restricted service, shall be calculated based upon the years of creditable service subject to the restriction and the years of non-section fifty service, as the actuary shall determine. In the state employees' retirement system and the state teachers' system, and in any other system accepting the provisions of this paragraph, the allowance payable to any member, or eligible beneficiary thereof, who entered the service of the commonwealth or a political subdivision thereof on or after January first, nineteen hundred and seventy-nine and who retired from said system prior to the date on which such system accepted this paragraph, shall be recalculated as of the date of such acceptance, and as of said date the provisions of said section fifty of said chapter three hundred and sixty-seven shall not apply to such allowance; provided, however, that the provisions of this sentence shall not be deemed to require any additional contributions to be made by any such member or eligible beneficiary thereof. The state employees' and state teachers' retirement systems shall be deemed to have accepted the provisions of this paragraph as of January first, nineteen hundred and eighty-eight.

**SECTION 65.** Paragraph (c) of subdivision (1) of said section 22 of said chapter 32, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– Any such treasurer or other disbursing officer in charge of payrolls, for the purpose of determining the regular compensation and regular deductions of any member in service who is receiving a non-cash maintenance allowance in the form of full or partial boarding and housing, shall add to the amount of the cash payment for the regular services of such member an amount at a rate which shall be determined by the personnel administrator if such member is a member of the state employee's retirement system or of the teachers' retirement system, by the county personnel board if such member is a member of any county system, and by the retirement board if such member is a member of a city or town system.

**SECTION 66.** Subdivision (2) of said section 22 of said chapter 32, as so appearing, is hereby amended by striking out paragraph (b) and inserting in place thereof the following paragraph:–

(b) If any member who has been retired for disability is later restored upon recovery to active service before attaining the age sixty-five as provided for in paragraph (b) of subdivision (2) of section eight, an

amount equal to the annuity reserve at the date of his restoration with respect to his annuity shall be transferred from the Annuity Reserve Fund of the system to the credit of his account in the Annuity Savings Fund thereof.

**SECTION 67.** Said subdivision (2) of said section 22 of said chapter 32, as so appearing, is hereby further amended by striking out paragraphs (c) and (d) and inserting in place thereof the following paragraph:-

(c) If the balance remaining in the annuity reserve fund of any system at the close of business on December thirty-first of any year after the transfer of interest thereto as provided for in clause (ii) of paragraph (a) of subdivision (6), is in excess of the total amount of the annuity reserve determined for such system as of such date in accordance with the provisions of paragraph (b) of subdivision (3) of section twenty-one, the amount of such excess shall be transferred as of the next following September thirtieth from the Annuity Reserve Fund to the Pension Reserve or Commonwealth's Pension Liability Fund of such system. If such balance is less than the total amount of such annuity reserve, an amount equal to such deficiency shall, to the extent not included in any deficiency being made up under the provisions of this paragraph, be similarly transferred as of such next following September thirtieth from the Pension Fund to the Annuity Reserve Fund.

**SECTION 68.** Subdivision (3) of said section 22 of said chapter 32, as so appearing, is hereby amended by striking out paragraphs (a) and (b) and inserting in the place thereof the following two paragraphs:-

(a) The Pension Fund of each system shall be the fund to which shall be credited all amounts appropriated by the governmental unit or transferred from the Pension Reserve Fund or Commonwealth's Pension Liability Fund pursuant to a funding schedule established pursuant to section twenty-two C or twenty-two D for the purpose of providing for the cost of operation of the system exclusive of the expenses of administration, except such amounts as may be appropriated for the special fund for military service credit under the provisions of subdivision (4). Any balance remaining in the investment income account of the system at the close of business on December thirty-first of any year shall be transferred to the Pension Reserve Fund or the Commonwealth's Pension Liability Fund, and any deficit in such account at such time shall be made up by transfer from the pension fund to such account of an amount equal to such deficit as provided for in clause (iii) of paragraph (a) of subdivision (6).

(b) All pensions to members or to beneficiaries and all pensions paid under the provisions of paragraph (c) of subdivision (8) of section three or paragraph (b) of subdivision (4) of section seven shall be paid from the pension fund of the system, and all amounts received under said provisions shall be credited to such fund. Amounts shall be transferred between the Pension Fund or the Commonwealth's Pension Liability Fund, as applicable, and the annuity reserve fund as provided for in paragraph (c) of subdivision (2) and shall be transferred to the Pension

Fund or the Commonwealth's Pension Liability Fund, as applicable, from the annuity savings fund as provided for in paragraph (d) of subdivision (6) and from the special fund for military service credit as provided for in paragraph (c) of subdivision (4). Amounts shall also be paid from the Pension Fund or the Commonwealth's Pension Liability Fund, as applicable, of one system and transferred to the special fund for military service credit of a second system as provided for in paragraph (d) of said subdivision (4). The board shall, with the approval of the actuary, make any other transfer between the Pension Fund or the Commonwealth's Pension Liability Fund, as applicable, and any other fund of the system which may be necessary to effectuate the purposes of sections one to twenty-eight, inclusive; provided, however, that no such transfers shall be made from the Commonwealth's Pension Liability Fund except pursuant to schedules submitted in advance by the commissioner of administration to the house and senate committees on ways and means.

**SECTION 69.** Said subdivision (3) of said section 22 of said chapter 32, as so appearing, is hereby further amended by striking out paragraph (c) and inserting in place thereof the following paragraph:-

(c) Any profit realized on the sale or maturity of any investment of any system, due to the amount received therefor being in excess of its book value on the date of its sale or maturity, shall be credited to the pension fund of the system or recognized over a period of years as prescribed by the commissioner of public employee retirement. Any loss sustained on the sale or maturity of any investment, due to the amount received therefor being less than its book value on the date of its sale or maturity, shall be charged to the pension fund or amortized over a period of years as prescribed by the commissioner of public employee retirement. Any investment which is required to be valued at its market value under the provisions of paragraph (b) of subdivision (1) of section twenty-one, shall be included in the assets of the system on the date of any valuation thereof at its market value on such date as determined in accordance with said provisions. Any excess of such market value over the value at which such investment was included in the assets of the system on the date of the last previous valuation thereof, shall be credited forthwith to the pension fund or recognized over a period of years as prescribed by the commissioner of public employee retirement, and any amount by which such market value is less than the value at which such investment was included in such assets, shall be charged forthwith to such fund or amortized over a period of years as prescribed by the commissioner of public employee retirement. In addition to the valuation of the assets of the system as of December thirty-first of each year as provided for in paragraph (b) of subdivision (3) of section twenty-one, the value of all such investments which are required to be valued at their market value shall be determined by the actuary as of September thirtieth in each year and any such credits or charges resulting from such valuation shall be made to the pension fund as of such date.

In prescribing the period of years for amortization of gains and losses

the commissioner of public employee retirement shall act in a manner consistent with the periods prescribed by the government accounting standards board or allowed by the Employee Retirement Income Security Act.

Notwithstanding the foregoing provisions or any other general or special law to the contrary, the commonwealth shall assume the cost to any retirement system participating in the Pension Reserves Investment Trust Fund for the charge to the pension fund of such system for the amortization of any loss sustained on the transfer of such system's assets to the Pension Reserves Investment Trust Fund due to the value of the units in said fund upon such transfer being less than the book value of the system assets transferred to said fund on the date of transfer; provided, however, that the commonwealth shall assume only the cost of such system for a loss in an amount equal to or less than twenty per cent of the book value of the system's total portfolio on said date of transfer; provided, further, that the commonwealth shall assume only the costs for such losses to participating systems transferring their assets to the Pension Reserves Investment Trust Fund on or before July first, nineteen hundred and eighty-six; and provided further, that such assumable losses shall not be included in the determination of required appropriations set forth in subparagraph (iii) of paragraph (d). Such losses incurred by participating systems upon the transfer of their assets to the Pension Reserves Investment Fund shall be amortized over the average time to maturity of the entering system's fixed income securities transferred or ten years, whichever is less.

**SECTION 69A.** Paragraph (d) of said subdivision (3) of said section 22 of said chapter 32, as so appearing, is hereby amended by striking out, in line 290, the words "clauses (v) and (vi)" and inserting in place thereof the words:- clauses (v) to (vii),.

**SECTION 69B.** Said paragraph (d) of said subdivision (3) of said section 22 of said chapter 32, as so appearing, is hereby further amended by adding the following clause:-

(vii) The amount, if any, transferred to such pension fund from the pension reserve fund of the system pursuant to subdivision (6A).

**SECTION 70.** Subdivision (6A) of said section 22 of said chapter 32, as so appearing, is hereby amended by striking out paragraph (a) and inserting in place thereof the following paragraph:-

(a) The Pension Reserve Fund of each system shall be credited all amounts set aside by a system for the purpose of establishing a reserve to meet future pension liabilities, including such amounts as may be set aside pursuant to a funding schedule established in accordance with section twenty-two C or twenty-two D. Such amounts shall include without limitation the annual balance in the investment income account as provided for in clause (iii) of paragraph (a) of subdivision (6) the undistributed accumulated total deductions as provided for in section eleven and all monies recovered for the cost of fringe benefits from

federal grants. From time to time, a system may credit to the Pension Reserve Fund other amounts appropriated to it or otherwise made available by the governmental unit. The Pension Reserve Fund for the state employees' and teachers' retirement systems shall be the Commonwealth's Pension Liability Fund.

**SECTION 71.** Said subdivision (6A) of said section 22 of said chapter 32, as so appearing, is hereby further amended by striking out paragraph (b) and inserting in the place thereof the following paragraph:-

(b) Amounts may be transferred to the Pension Fund for the purpose of meeting present pension liabilities in accordance with a schedule developed by the board of each system and approved by the actuary to amortize unfunded pension liabilities. Such schedule of payments shall be designed to maintain a funding schedule which pays the normal cost of benefits for the system and amortizes any unfunded actuarial liability either as a fixed ratio of payroll or in accordance with the funding schedules provided for in section twenty-two C or twenty-two D, as applicable; provided, however, that any such amounts transferred from the Pension Reserve Funds of the state employees' and state teachers' systems shall be detailed by the commissioner of administration in a written report submitted in advance to the house and senate committees on ways and means. Such schedule shall be adjusted in accordance with any state contributions provided from the PRIT Fund to meet the unfunded pension liability of the system.

**SECTION 72.** Subdivision (7) of said section 22 of said chapter 32, as so appearing, is hereby amended by striking out the introductory paragraph and inserting in place thereof the following paragraph:-

In order to effectuate the provisions of sections one to twenty-eight, inclusive, and to provide for each system the amounts required for the Commonwealth's Pension Liability Fund, the Pension Fund, the special fund for military service credit and the expense fund described in subdivisions (3), (4), (5), and (8), respectively, of this section, the following provisions are hereby made:.

**SECTION 73.** Said subdivision (7) of said section 22 of said chapter 32, as so appearing, is hereby further amended by striking out paragraphs (a) and (b) and inserting in place thereof the following two paragraphs:-

(a) Expense Fund of the State Employees' Retirement System and Teachers' Retirement System. - On or before October fifteenth in each year, the state board of retirement and teachers' retirement board, shall certify to the state treasurer and the commissioner of education, respectively, the amounts necessary to be appropriated and paid for the fiscal year commencing on the next following July first, for the expense fund of the state employees' retirement system and the teachers' retirement system. Items of appropriation shall be included in the appropriation for such fiscal year for the department of the state treasurer and the department of education to be allocated to the division of the state board of retirement and the division of the teachers'

retirement board, respectively, for the expense funds of such systems.

(b) Pension funds of the state employees' retirement system and the teachers' retirement system. - The state board of retirement and the teachers' retirement board, on or before October fifteenth in each year, shall furnish the actuary with such information as he may require to enable him to determine the amount to be distributed from the Commonwealth's Pension Liability Fund to the pension funds of said systems, for the fiscal year commencing on the next following July first. The actuary shall, on or before December fifteenth immediately preceding such fiscal year, determine such amount and specify in a written notice to said boards the amounts so required. Upon the receipt of such notice, said board shall certify forthwith to the PRIM board the amounts necessary to be distributed and paid for such fiscal year for the Pension Fund and the special fund for military service credit of the respective system. The amounts necessary to be appropriated and paid for such fiscal year by the commonwealth for said Commonwealth's Pension Liability Fund shall be determined in accordance with the funding schedule adopted by the commissioner of administration pursuant to section twenty-two C, and items of appropriation for such amounts shall be included in the appropriations for such fiscal year for the PRIM board or such department as the commissioner of administration shall determine to be allocated to the Commonwealth's Pension Liability Fund.

**SECTION 73A.** Subdivision (8) of said section 22 of said chapter 32, as so appearing, is hereby amended by striking out paragraphs (a), (b), (c) and (d) and inserting in place thereof the following five paragraphs:-

(8) (i) PRIT Fund (a) There shall be a Pension Reserve Investment Trust Fund administered by the PRIM board established in section twenty-three for the purpose of depositing, investing and dispersing amounts set aside to meet further liabilities of the various systems.

The state employees' and state teachers' retirement systems shall participate in the Pension Reserve Investment Trust Fund as follows: the Commonwealth's Pension Liability Fund, including any amounts in the reserves of the state employees' and teachers' retirement systems as of July first, nineteen hundred and eighty-seven, shall be deposited, in the PRIT Fund to the credit of the commonwealth, to defray its obligation toward the unfunded liabilities of said systems, and toward any other pension obligations which the commonwealth may by special or general law assume.

(b) All amounts which the state may appropriate each year subsequent to January first, nineteen hundred and eighty-four pursuant to section twenty-two B to meet unfunded pension liabilities shall be deposited in the PRIT Fund and credited to the account of the state employees' retirement system, the teachers' retirement system, and other participating systems as follows: the amount determined for each system shall be proportionate to the amount of assets of each system participating in the PRIT Fund as of July first for each fiscal year ending the following June thirtieth, provided that, for the purposes of this

paragraph, the amount of the combined assets of the state employees' and the teachers' retirement systems shall be deemed not to exceed eighty per cent of the total amount of the assets in the PRIT Fund as of June thirtieth, nineteen hundred and eighty-seven; provided, that a system electing to participate in the Pension Reserves Investment Trust Fund after January first, nineteen hundred and eighty-eight, shall receive the greater of either the system's share of the state appropriation pursuant to subdivision (8) of section twenty-two of chapter thirty-two, or the amount the system would receive in an annual pension funding grant pursuant to this section. Systems which elected to participate in the pension reserve fund or before January first, nineteen hundred and eighty-eight, and which are eligible to receive an annual pension funding grant from the commonwealth pursuant to the provision of this section, shall receive an amount equal to such system's share of the state appropriation pursuant to subdivision (8) of section twenty-two of chapter thirty-two in addition to the amount such system would receive in an annual pension funding grant pursuant to the provisions of this section. The amounts so determined for each participating system and an amount equal to the regular interest on assets in the PRIT Fund shall be credited to the several retirement systems.

(c) Upon notification by the chief executive officer and legislative body of a governmental unit of a decision to participate, systems shall transfer ownership and control of all the assets of the system to the PRIM board. The PRIM board shall hold such assets in trust for the participating systems. The PRIM board shall credit assets and earnings on such assets to the individual systems. The PRIM board shall calculate regular interest as defined in subdivision (6) to allocate earnings among the various funds of each system. The board of each system shall continue to administer the system in accordance with sections one to twenty-eight, inclusive, including the maintenance of accounts in accordance with the funds provided for in this section. The PRIM board shall transfer monies to the various funds of the participating systems to allow them to carry out their duties under this chapter. The board of each participating system shall notify the PRIM board of the amounts needed for the various funds for the next fiscal year no later than ninety days before the start of the next fiscal year. The PRIM board shall develop a schedule of transfers to be made to said systems during the next fiscal year and notify the systems of that schedule no later than thirty days prior to the start of the next fiscal year. The PRIM board shall transfer such amounts in accordance with said schedule during the course of said fiscal year. From time to time such boards may make supplemental requests of the PRIM board if the initial request is found to be insufficient. Within thirty days of such request, the PRIM board shall approve or deny such request. Any denial of such a request must be accompanied by a written statement of the reasons therefor.

The procedure for determining participation shall occur as follows: on or before January first of each year, the PRIM board shall notify each system in writing of their option to participate in the PRIT Fund. Such notice shall be accompanied by a financial report and a description of



the rights and duties of the PRIM board if a system elects to participate. The decision to participate shall be made by the board of each system, subject to the approval of the legislative body and the chief executive officer of each governmental unit. The decision of the board shall be deemed to have been approved unless the legislative body and the chief executive officer act to disapprove such decision by July first of the year in which the decision of such board is made. The board of each system shall notify the PRIM board and the appropriate legislative body and chief executive officer by May first of each year of its decision.

For any system which is receiving an annual pension funding grant from the commonwealth pursuant to the provisions of section twenty-two D in which the annualized time-weighted-rate of return is less than the assumption for investment rate of return approved by the actuary in the most recent actuarial valuation for the system, over any five year cycle, and said time-weighted-rate of return is less than the annualized time-weighted-rate of return for the pension reserve investment trust fund, over any five year cycle, the commissioner shall notify the PRIM board and the appropriate legislative body, chief executive officer, and the board of said system shall be deemed to have voted to participate.

After the decision of a board of a system to participate has been approved, the decision to participate may not be revoked for five years. Such revocation shall become effective six months after the PRIM board receives notification of such decision by such board. For purposes of this section, "legislative body" shall mean a town meeting in a town, the city council in a city, the county advisory board in a county, the district members in a district, and the members of an authority in an authority. For purposes of this section, "chief executive officer" shall mean the board of selectmen in a town, the mayor in a city, except in a city with plan D or plan E form of government it shall mean the city manager, municipality with a council form of government, the town manager and the county commissioners in a county. In a district or in an authority, "chief executive officer" shall mean the members of such district or authority. A system may purchase offerings of the PRIT Fund in accordance with clause (vii) of paragraph (b) of subdivision (2) of section twenty-three without becoming a participating system for purposes of this section.

(d) The amounts in the PRIT Fund shall be invested and managed in accordance with the authority of the PRIM board as created in section twenty-three. Amounts in the PRIT Fund shall be transferred back to each system for withdrawal or payment to members as otherwise provided by sections one to twenty-eight, inclusive.

All other amounts shall be distributed to each system during such calendar years as the actuary shall determine pursuant to subdivision (6A). Such distributions shall be transferred to the pension fund of each system for such year. On March first, nineteen hundred and eighty-four and each subsequent calendar year, the commissioner of public employee retirement shall publish a report of the projected schedule of distribution of amounts from the PRIT Fund, as developed by the actuary, and file

such report with each system, with the commissioner of administration, and with the house and senate committees on ways and means.

(e) (1) There shall be a Commonwealth's Pension Liability Fund which shall be within the PRIT Fund, and which shall be administered by the PRIM board established in section twenty-three for the purpose of depositing, investing and dispersing amounts set aside to meet further liabilities of the commonwealth. For the state employees' retirement system and the teachers' retirement system all amounts held by said retirement systems on or after July first, nineteen hundred and eighty-seven, except for the Annuity Savings Fund, the Annuity Reserve Fund and the expense funds, shall be transferred to the Commonwealth's Pension Liability Fund. Any assets of such systems transferred to the PRIT Fund prior to that date shall be credited to the Commonwealth's Pension Liability Fund.

(2) Except for expense funds pursuant to subdivision (5), and the Annuity Savings Fund and Annuity Reserve Fund of the state employees' retirement system and the teachers' retirement system, all appropriations, assets and funds of any such systems shall be deposited in the Commonwealth's Pension Liability Fund, and all distributions and payments by said systems shall be made by withdrawals from the Commonwealth's Pension Liability Fund.

Amounts in the Commonwealth's Pension Liability Fund shall include, but not be limited to, the following:

(i) all amounts held in the PRIT Fund to the credit of the state employees' retirement system and the teachers' retirement system;

(ii) all amounts appropriated by the state to meet its pension liabilities, including the amounts appropriated pursuant to clause (a) of the last paragraph of section twenty-one of chapter one hundred and thirty-eight, the state share of amounts appropriated pursuant to section twenty-two B, and section twenty-two C;

(iii) all monies recovered for the cost of pension fringe benefits from federal grant funds pursuant to section six B of chapter twenty-nine;

(iv) all monies recovered from federal grant funds, pursuant to section five D of chapter forty, for the cost of teachers' pension benefits;

(v) all monies transferred from the state employees' and teachers' retirement systems pursuant to the provisions of paragraph (d) of subdivision (2) and clause (iii) of paragraph (a) of subdivision (6);

(vi) the undistributed accumulated total deductions for the state employees' and teachers' retirement systems as provided for in section eleven; and

(vii) all assets of the state employees' retirement system and the teachers' retirement system except for such systems' expense funds, annuity savings funds, and annuity reserve funds.

All amounts required by the Pension Fund and Special Fund for military credit of the state employees' and teachers' retirement systems shall be provided by distribution from the Commonwealth's Pension Liability Fund; provided however, that any such distributions shall be detailed in a written report by the commissioner of administration and filed in advance with the house and senate committees on ways and means.

Such distributions shall be made pursuant to the provisions of sections one to twenty-eight, inclusive, of this chapter, or pursuant to the operating trust of the PRIM board pursuant to subdivision (2A) of section twenty-three. (viii) The amounts in the Commonwealth's Pension Liability Fund shall be invested and managed in accordance with the authority of the PRIM board as created in section twenty-three.

**SECTION 74.** Subdivision (9) of said section 22 of said chapter 32, as so appearing, is hereby amended by striking out the third and fourth paragraphs and inserting in place thereof the following two paragraphs:-

The treasurer of the governmental unit making the appropriation shall be the custodian of all funds deposited pursuant to this subdivision. Such funds may be invested in the same manner as retirement system funds pursuant to subdivision (2) of section twenty-three.

Such funds may be utilized in accordance with the provisions of subdivision (6A), or, subject to the approval of the actuary, in accordance with the provisions of paragraph (c) of subdivision (7), or subdivision (3) of section twenty-two D.

**SECTION 75.** Said section 22 of said chapter 32 is hereby further amended by adding the following subdivision:-

(10) Each governmental unit to which a system pertains and any free public library the employees of which are eligible for membership in a system, pursuant to the provisions of section four hundred and fourteen (h) (2) of the United States Internal Revenue Code, shall assume and pay the contributions which would be payable by the employees as members under paragraph (b) of subdivision (1). Such contributions, although designated as employee contributions, will be paid by the applicable governmental unit or free public library employing the employee in lieu of contributions by the employee. No employee will have the option of choosing to receive such contributed amounts directly instead of having them paid by the employing governmental unit or free public library to the applicable system. The contributions so assumed shall be treated as employer contributions in determining tax treatment under the United States Internal Revenue Code. The contributions so assumed shall be treated and identified, without limitation, as member contributions for all purposes of the retirement system, except as specifically provided to the contrary in this subdivision, and for all purposes of chapter sixty-two.

Employee contributions assumed pursuant to this subdivision shall be paid from the same source of funds used for the payment of compensation to an employee. A deduction shall be made from an employee's compensation equal to the amounts of the employee's contributions assumed by the employer. This deduction, however, shall not reduce the employee's compensation for purposes of computing benefits under the retirement system pursuant to this chapter or for purposes of determining any other employee benefits. Assumed contributions shall be transferred to the retirement system of which the employee is a member in accordance with the provisions of paragraph (h) of subdivision (1) and shall be credited to a separate fund within the

employee's account in the Annuity Savings Fund of such system in order that the amounts contributed prior to the effective date for the assumption of employee contributions may be distinguished from the amounts contributed on or after the date on which the governmental employer is required by law to assume the employee's contributions.

**SECTION 76.** Said chapter 32 is hereby further amended by inserting after section 22B the following two sections:-

Section 22C. (1) In each fiscal year, there shall be appropriated to the Commonwealth's Pension Liability Fund the amount necessary to fully fund the system. Such appropriations shall be made pursuant to the most recent three year funding schedule adopted by the commissioner of administration, reviewed by the retirement law commission, and approved by the general court; provided however, that no such funding schedule shall be adopted which would set forth total annual payments in any of its first ten fiscal years which are less in any such year than the total estimated cost of benefits to be paid in such year for such system or for such other assumed liabilities; provided, further, that no such funding schedule shall be adopted which would reduce the value of the pension reserve fund as of January first, nineteen hundred and eighty-eight, increased annually by an amount equal to the actuarial assumption of the rate of investment return approved by the actuary in the most recent three year valuation for the system, in any of said schedule's first ten years; provided, further, that the first year scheduled appropriation for any such funding schedule which shall commence on the fiscal year beginning on July first, nineteen hundred and eighty-eight, shall provide that not less than two hundred ninety-one million one hundred thousand dollars shall be made available for the funding of the normal costs of the state employees' retirement system, the teachers' retirement system, the pension liabilities assumed by the commonwealth which are associated with teachers employed by the city of Boston, and pension liabilities assumed by the commonwealth which are associated with cost of living adjustments or other benefits for members of system other than the state employees' retirement system who are not teachers employed by the city of Boston; provided, further, that not less than two hundred eighty-eight million, two hundred thousand dollars shall be made available to reduce the unfunded liability of said systems, and said liabilities of the commonwealth; provided, further, that the actual first year appropriation made pursuant to any such funding schedule shall be in an amount sufficient to cover the first year normal costs and amortization costs described herein plus the positive difference between the amount necessary to meet the estimated cost of benefits to be paid in said year minus the first year normal costs and amortization costs described herein; provided, further, that for the purposes of calculating future percentage increases in normal cost and amortization cost payment schedules for said systems, the first year base for such calculations shall be the first year normal costs and amortization costs described herein. Said funding schedule shall be established and updated from time to time by said commissioner after

reviewing the periodic actuarial valuation reports required by section twenty-one and such other reports as may be prepared pursuant to section thirty-five H of chapter ten; provided, however, that the house and senate committees on ways and means shall have reviewed and approved in advance the actuarial, economic, and demographic assumptions upon which said actuarial valuation reports and such other reports are based, and the manner and methodology used in the development of the actuarial reports and recommendations, prior to the consideration of said actuarial valuation, reports, and schedules by the general court. Said commissioner shall establish said schedule such that the increase in the amortization component of the appropriations required by this section from year to year shall not exceed seven and one-half per cent.

Said funding schedule, and any future updates thereto, shall be designed to reduce the unfunded actuarial liability attributable to the commonwealth's pension liability as of January first, nineteen hundred and eighty-seven to zero as of June thirtieth, two thousand and twenty-eight and to meet the normal cost of all future benefits for which the commonwealth is obligated, and to meet any other component of the commonwealth's pension liability, as defined in section one. Updates of the funding schedule required by changes in the projected unfunded actuarial liability as determined by any periodic actuarial valuation report pursuant to section twenty-one, may reflect the further amortization time periods authorized by said section twenty-one; provided, however, that the house and senate committees on ways and means shall have reviewed and approved in advance the actuarial, economic, and demographic assumptions upon which said actuarial valuation reports and such other reports are based, and the manner and methodology used in the development of the actuarial reports and recommendations, prior to the consideration of said actuarial valuation, reports, and schedules by the general court. The first such funding schedule shall be filed by said commissioner not later than March first, nineteen hundred and eighty-eight and subsequent schedules shall be prepared pursuant to the provisions of this section relating to the establishment of funding schedules and filed triennially on March first. If, within forty-five days of such filing, the house and senate committees on ways and means, respectively, have taken no action to approve or disapprove any such schedule, such schedule shall be deemed to have been approved. If said schedule is not so approved such payments shall be made in accordance with the most recent three year actuarial valuation which was so approved; provided, that such payments shall be an amount which is not less than the then previous year's appropriations.

(2) In addition to the annual appropriation required to meet the commonwealth funding schedule established pursuant to subdivision (1), the governor shall recommend an additional appropriation to the Commonwealth's Pension Liability Fund to further reduce the commonwealth's unfunded pension liability. Such additional appropriation shall be determined to be the amount which when added to the appropriation required pursuant to said subdivision (1) is equal to the

sum of all retirement benefits paid by the commonwealth pursuant to this chapter for the state employees' and teachers' retirement systems, reimbursements to local retirement systems for pension obligations which the commonwealth has assumed on behalf of such systems, and the employer normal cost as determined in the most recent actuarial valuation report pursuant to section twenty-one for the state employees' and teachers' retirement systems. If the governor determines that funds are not available to allow recommendation of all of the additional appropriation required by this subdivision, the governor shall file a statement with the clerks of the senate and house of representatives supporting such determination. In such event, the governor shall determine the amount of available funds and shall recommend an additional appropriation as equal as possible to the amount required by this subdivision. Amounts required to fund the commonwealth's pension liability pursuant to this subdivision shall be subject to appropriation and shall not be subject to the provisions of section twenty-five.

(3) In addition to the funding schedule updates filed triennially beginning on March first, nineteen hundred and ninety, the commissioner of administration shall file also an advanced funding schedule which, notwithstanding the provisions of the definition of the commonwealth's funding schedule as appearing in section one, or the provisions of subdivision (1) of section twenty-one or of this section, shall not include in the calculation of the annual appropriations required to meet said schedule the amounts, if any, which have been appropriated to the Commonwealth's Pension Liability Fund pursuant to subdivision (2) as additional appropriations to reduce the unfunded pension liability, nor the amounts, if any, by which the actual investment return on the assets of the state employees' retirement system, the teachers' retirement system, and the Commonwealth's Pension Liability Fund exceed the return which would have been realized under the interest assumption utilized in the actuarial evaluation used to establish the most recently approved commonwealth funding schedule; provided, however, that any such amounts may be included in establishing a funding schedule pursuant to this section in any year in which the required actuarial valuation indicates that there is no remaining unfunded commonwealth pension liability.

(4) In each fiscal year, the governor shall recommend to the general court in addition to the appropriation pursuant to subdivision (1), such additional amount as may be required to meet the advanced funding schedule established pursuant to subdivision (3). Amounts required to fund the commonwealth's pension liability pursuant to this subdivision shall be subject to appropriation and shall not be subject to the provisions of section twenty-five.

Section 22D. (1) Systems other than the state employees' retirement system and the teachers' retirement system, upon notification by the legislative body of a governmental unit of a decision to accept the provisions of this section, shall establish a retirement system funding schedule, subject to the approval of the actuary, which shall provide for

an increase in the amortization component of the appropriations required by such schedule from year to year that shall not exceed four and one-half per cent; provided, however, that no such funding schedule shall be adopted which would set forth total annual payments in any of its first six fiscal years which are less in any such year than the total estimated cost of benefits to be paid in such year for such system or for such other assumed liabilities; provided further that no such funding schedule shall be adopted which would reduce the value of the pension reserve fund as of January first, nineteen hundred and eighty-eight, increased annually by an amount equal to the actuarial assumption of the rate of investment return approved by the actuary in the most recent three year valuation for the system in any of said schedules first six years. In each fiscal year the governmental units within such a retirement system shall appropriate to the pension fund and pension reserve fund of such system the amount necessary to fully fund the system pursuant to said schedule. The funding schedule shall be reviewed from time to time by the actuary after reviewing periodic actuarial valuation reports required by section twenty-one and such other reports as may be prepared pursuant to section thirty-five H of chapter ten. Said funding schedule, and any future updates thereto, shall be designed to reduce the unfunded actuarial liability of each system accepting the provisions of this section as of January first, nineteen hundred and eighty-three to zero as of June thirtieth, two thousand and twenty-eight. Updates of the funding schedule required by changes in the projected unfunded actuarial liability as determined by any periodic actuarial valuation report pursuant to section twenty-one, may reflect the further amortization time periods authorized by said section twenty-one but shall not contravene the provisions of this section which relate to the establishment of total annual payments and the reduction in value of the pension reserve fund.

The procedure for determining whether a system has accepted this section shall occur as follows: On or before January first of each year prior to nineteen hundred and ninety-one the commissioner shall notify the legislative body of each governmental unit in writing of its option to accept. For purposes of this section, "legislative body" shall mean a town meeting in a town, the city council in a city, the district members in a district, and the members of an authority in an authority. In a county, for the purposes of this section, "legislative body" shall mean the town meeting of every town which is a member of the county system, the county commissioners on behalf of the county, and the district as provided in subdivision (4) of section twenty-eight, with the vote of each governmental unit the employees of which are members of any such system weighted in the proportion that the aggregate of the annual rates of regular compensation of all members in service of such system who are employees of any such governmental unit at the end of business on the September thirtieth immediately preceding the date on which any such vote is taken bears to the total of all such aggregates for all members in service of such system on such date.

The notice from the commissioner shall be accompanied by a

description of the rights and duties of the governmental unit if it elects to accept this section and become a funding system. The decision to become a funding system shall be made by the legislative body of each governmental unit. A majority vote of the city council, town meeting, district or authority members shall enroll a city, town, district or authority retirement system. In counties, the department of revenue after consultation with the Massachusetts Municipal Association, shall review the commissioner's report, within sixty days and make a recommendation for the consideration of town meetings of the town and the district meetings of the districts which are within each county retirement system, and of the county commissioners of each such system. A majority of the votes as weighted pursuant to this section shall constitute acceptance for a county retirement system.

Systems may accept this section between January first, nineteen hundred and eighty-eight and December thirty-first, nineteen hundred and ninety. The clerk of the legislative body in a governmental unit within a city, town or district retirement system shall notify the retirement board and the commissioner, of a decision to accept. The clerk of each governmental unit within a county system shall notify the county retirement board and the commissioner of any action by such governmental unit.

A decision to accept this section may not be revoked.

(2) In any system accepting the provisions of this section, the governmental units comprising such system shall identify enterprise operations with independent revenue sources from which pension costs may be recovered through fees, rates or charges. Notwithstanding any provision of law to the contrary, such systems are authorized to recover such pension costs. Any costs so recovered shall be transferred to the pension reserve fund.

(3) In establishing the funding schedule pursuant to subdivision (1), any pension reserve fund or funds appropriated pursuant to section five D of chapter forty as of July first, nineteen hundred and eighty-six, and interest earned thereon, shall not be included as assets of the retirement system. Such funds and earned interest, shall remain to the credit of the system or in the case of funds appropriated pursuant to said section five D by any city, town or district which belongs to a county system, to the credit of such city, town or district, as applicable, to be utilized to defray such unit's annual pension appropriation obligation pursuant to this chapter. Transfer of such pension reserve funds to defray pension appropriations shall be made only upon a schedule approved by the actuary pursuant to the provisions of this section which relate to the establishment of total annual benefit payments, and the reduction in value of the pension reserve fund which shall be designed to reduce the annual growth in such annual pension appropriation over the forty-year funding schedule.

(4) (a) Any city or town or county system for which a funding schedule has been adopted and approved pursuant to paragraphs (a) and (b) shall receive annual pension funding grants from the commonwealth until the sixteenth year after the first year of said schedule, so as to reduce the



amount which the city or town or the member units of the county system would otherwise be required to appropriate pursuant to such funding schedule in every fiscal year beginning with the fiscal year ending on June thirtieth, nineteen hundred and ninety.

(b) The total pension funding allocation in any such fiscal year shall be equal to the increase in revenues in the net sum of; five per cent of the increase in revenues over the previous fiscal year in the net sums received under chapter sixty-two as taxes on income, interest thereon and penalties, including payments made on account thereof under chapter sixty-two B, plus five per cent of the increase in revenues over the previous fiscal year in the net sums received under sections thirty to fifty-one, inclusive, of chapter sixty-three, as excises, interest thereon or penalties, including payments made on account thereof under chapter sixty-three B, plus five per cent of the increase in revenues over the previous fiscal year in the net sums received under chapter sixty-four H and sixty-four I, as excises, upon the sale at retail of tangible personal property and upon the storage, use or other consumption of tangible personal property, interest thereon or penalties.

(c) The pension funding grant in any such fiscal year for each city or town or member unit of a county system will equal the total pension funding allocation determined pursuant to paragraph (b), multiplied by a fraction the numerator of which is the total funding contribution for the city or town for such fiscal year pursuant to paragraph (a) multiplied by itself and divided by one hundred two and one-half per cent of the city or town's actual property tax levy for the then previous fiscal year and the denominator of which is the sum of the quotient so derived as the numerator for all cities and towns or member units of county systems; provided, however, that a system electing to participate in the Pension Reserve Investment Trust Fund after January thirtieth, nineteen hundred and eighty-eight, shall receive greater of either the systems share of the state appropriation pursuant to subdivision (8) of section twenty-two, or the amount the system would receive in an annual pension funding grant pursuant to this section. Systems which elected to participate in the pension reserve fund or before January first, nineteen hundred and eighty-eight, and which are receiving an annual pension funding grant from the commonwealth pursuant to the provision of this section, shall receive an amount equal to such system's share of the state appropriation pursuant to said subdivision (8) in addition to the amount such system would receive in an annual pension funding grant pursuant to the provisions of this section. The total amount of the pension funding grant received by a city or town in a fiscal year shall be appropriated to the Pension Reserve Fund of such system.

(d) In each fiscal year the governmental units within each retirement system shall appropriate to the Pension Reserve Fund of the system the difference between the amount set forth for such fiscal year on a funding schedule adopted pursuant to paragraph (a) which pertains to the system and the amount of the pension funding grant appropriated to such Pension Reserve Fund for such fiscal year.

(e) For any system which is receiving an annual pension funding grant

from the commonwealth pursuant to the provisions of section twenty-two D in which the annualized time-weighted-rate of return is less than the assumption for investment rate of return approved by the actuary in the most recent actuarial valuation for the system, over any five year cycle, and said time-weighted-rate of return is less than the annualized time-weighted-rate of return for the pension reserve investment trust fund, over any five year cycle, the commissioner shall notify the PRIM board and the appropriate legislative body, chief executive officer, and the board of said system shall for the purposes of paragraph (c) of section twenty-two be deemed to have voted to participate; provided, however, that no system participating in the PRIT Fund pursuant to this subdivision may revoke such participation for five years after the later of the last annual pension funding grant payment.

(7) Any system accepting any annual pension funding grant pursuant to this section shall transmit to each active and retired member, and to any other person actually receiving any benefit pursuant to this chapter, a copy of the annual report required by subdivision (5) of section twenty.

(8) Any system accepting any annual pension funding grant pursuant to this section shall be deemed to have accepted the ten year vesting provision provided for in subdivision (1) of section six.

(9) Any system accepting any annual pension funding grant pursuant to this section shall be deemed to have accepted the supplemental dependent allowance provided for in clause (iii) of paragraph (a) of subdivision (2) of section seven.

(10) Any system accepting any annual pension funding grant pursuant to this section shall be deemed to have accepted the provisions of section ninety G 1/2.

(11) Any system accepting any annual pension funding grant pursuant to this section shall be deemed to have accepted the fitness and wellness provisions of section sixty-one A of chapter thirty-one and section sixty-one B of chapter thirty-one, and of paragraph (e) of subdivision (3) of section five and section five A.

(12) Any system accepting any annual pension funding grant pursuant to this section shall be deemed to have accepted the provisions relative to the application of section fifty of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight provided for in paragraph (b 1/2) of section twenty-two.

(13) Notwithstanding any other provision of this section or of any other general or special law, any system accepting the provisions of this section shall not be required to appropriate the normal cost of any benefits accepted under subdivision (8), (9), (10), (11) or (12) for any year prior to the fiscal year in which the first annual pension assistance grant is payable to such system.

**SECTION 77.** Paragraph (b) of subdivision (2) of section 23 of said chapter 32, as so appearing, is hereby amended by striking out, in lines 114 and 115, the words "if authorized pursuant to paragraph (g)," and inserting in place thereof the following:- of said fund.

**SECTION 78.** Paragraph (c) of said subdivision (2) of said section 23 of said chapter 32, as so appearing, is hereby amended by inserting after the second sentence the following sentence:- The board, subject to rules promulgated by the commissioner, may deposit such securities in a securities depository registered with the Securities and Exchange Commission of the United States.

**SECTION 79.** Said paragraph (c) of said subdivision (2) of said section 23 of said chapter 32, as so appearing, is hereby further amended by striking out, in line 231, the word "insurance" and inserting in place thereof the words:- public employee retirement.

**SECTION 80.** Said subdivision (2) of said section 23 of said chapter 32, as so appearing, is hereby amended by striking out paragraph (d) and inserting in place thereof the following paragraph:-

(d) Any person who assists any board or member thereof in the purchase, sale, investment or reinvestment of the funds of any such system, without the written consent of the commissioner of public employee retirement after notice in writing by him to such board or member to desist therefrom as provided for in subdivision (4) shall be punished as provided for in section twenty-four.

**SECTION 81.** Paragraph (e) of said subdivision (2) of said section 23 of said chapter 32, as so appearing, is hereby amended by striking out, in line 251, the word "March" and inserting in place thereof the word:- May.

**SECTION 82.** Said subdivision (2) of said section 23 of said chapter 32, as so appearing, is hereby further amended by striking out paragraph (g) and inserting in place thereof the following paragraph:-

(g) Clauses (i) to (vii), inclusive, of paragraph (b) shall not apply to the board of any local retirement system which upon application is determined by the commissioner to have a record of investment management which merits broader investment powers, provided that:-

(i) no funds are to be invested directly in mortgages or in collateral loans;

(ii) subsequent to the date of such determination no new investment of funds shall be made in any bank or financial institution which directly or through its subsidiaries has outstanding loans to the Republic of South Africa or its instrumentalities, and no new investment of funds shall be made in stocks, securities or other obligations of any company doing business in or with the Republic of South Africa;

(iii) subsequent to the date of such determination no new investment of funds shall be made in any bank or financial institution which directly or through any subsidiary has outstanding loans to any individual corporation engaged in the manufacture, distribution or sale of firearms, munitions, including rubber or plastic bullets, tear gas, armored vehicles, or military aircraft for use or development in any activity in Northern Ireland, and no new investment of funds shall be made in the stocks,

securities or other obligations of any company so engaged. In making such determination the commissioner shall consider the diversification of the risk of the investments of such board, the return on the investments of such board, the past performance of the investment portfolio of such board and the extent and quality of professional advice received by such board regarding the investment of funds. Any such board shall invest and reinvest consistent with sound investment policy and the requirements of subdivision (3).

**SECTION 83.** The second paragraph of paragraph (a) of subdivision (2A) of said section 23 of said chapter 32 is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:– Such board shall consist of nine members as follows: the governor, ex officio, or his designee, the state treasurer, ex officio, or his designee, who shall serve as chairman of the board, a representative of a public safety organization appointed by the governor, a private citizen experienced in the field of investment or financial management appointed by the state treasurer, and a person who is not an employee or official of the commonwealth, appointed by the governor, an employee or retiree who is a member of the state teachers retirement system who shall be elected by the members in or retired from such a system for a term of three years in such a manner as the commissioner shall determine, a representative of a union which represents among its membership nonpublic safety municipal and state employees appointed by the treasurer, an employee or retiree who is a member of the state employees' retirement system who shall be elected by the members in or retired from such system for a term of three years in such a manner as the commissioner shall determine, and the commissioner of public employee retirement ex officio, the appointed members shall serve for four years, provided that the initial appointments shall be for the following terms.

**SECTION 84.** Said subdivision (2A) of said section 23 of said chapter 32, as so appearing, is hereby further amended by striking out paragraph (c).

**SECTION 85.** Clause (i) of paragraph (e) of said subdivision (2A) of said section 23 of said chapter 32, as so appearing, is hereby amended by inserting after the figure "(3)", in line 330, the words:– ; provided, however, that the duties and obligations of the PRIM board and of participating or purchasing systems shall be set forth in a declaration of trust adopted by the PRIM board; and provided, further, that any declaration of trust and any amendments thereto adopted by said board shall be subject to the approval of the joint committee on public service; and provided, further, that if said committee takes no final action relative thereto within forty-five days of the date of the filing thereof with the clerk of the house of representatives and the senate, such declarations of trust and such amendments thereto shall be deemed to be approved.

**SECTION 86.** Said paragraph (e) of said subdivision (2A) of said section 23 of said chapter 32, as so appearing, is hereby further amended by striking out clause (vi) and inserting in place thereof the following clause:-

(vi) adopt an annual budget and supplemental budgets as deemed necessary by the board subject to the approval of the house and senate committees on ways and means; provided, however, that if the said committees has taken no final action to disapprove any such budget, within sixty days of its being filed with said general court it shall be deemed to be approved; and provided, further, that if the general court disapproves any such budget within such sixty days, said board shall operate under the annualized budgetary level most recently approved pending the filing and subsequent approval of any other such annual or supplemental request.

**SECTION 87.** Said paragraph (e) of said subdivision (2A) of said section 23 of said chapter 32, as so appearing, is hereby further amended by adding the following three clauses:-

(xi) File quarterly, on or before March first, June first, September first, and December first of each year, with the house and senate committee on ways and means and with the joint committee on public service a report detailing brokerage transactions, fees paid to investment consultants and managers, master trustee and custody fees, a detailed investment portfolio analysis describing all holdings in the PRIT Fund, and a budget status report detailing expenses by month; provided, however, that said analysis and said reports shall be made available on the first day of each month upon the request of the chairman of any said committees.

(xii) Assess fees to participating and other purchasing retirement systems for the reasonable and necessary expenses incurred by the board in managing the PRIT Fund, which shall be paid by the board from earnings of the PRIT Fund without appropriation and in conformance with the budgetary levels established pursuant to clause (vi).

(xiii) Acts as treasurer-custodian of the PRIT Fund and shall have the custody of the funds and securities of said fund.

**SECTION 89.** Paragraph (g) of said subdivision (2A) of said section 23 of said chapter 32, as so appearing, is hereby amended by striking out clause (ii) and inserting in place thereof the following clause:-

(ii) employ professional and clerical staff as necessary.

**SECTION 90.** Said subdivision (2A) of said section 23 of said chapter 32, as so appearing, is hereby further amended by striking out paragraph (h) and inserting in place thereof the following paragraph:-

(h) Subject to the approval or ratification of the PRIM board, the executive director shall invest and reinvest such funds held by such board to the extent not required for current disbursements, as much as reasonably possible to benefit and expand the economic climate within the commonwealth so long as such is consistent with sound investment

policy and the other requirements of this section; provided, however, that no funds are to be invested directly in mortgages or in collateral loans; provided, further, that no funds are to be invested in any bank or financial institution which directly or through its subsidiaries, has outstanding loans to the Republic of South Africa or its instrumentalities, and no assets shall be invested in stocks, securities or other obligation of any company doing business in or with the Republic of South Africa; and provided, further, that no funds are to be invested in any bank or financial institution which directly or through any subsidiary has outstanding loans to any individual corporation engaged in the manufacture, distribution or sale of firearms, munitions, including rubber or plastic bullets, tear gas, armored vehicles, or military aircraft for use or deployment in any activity in Northern Ireland, and no assets shall be invested in the stocks, securities or other obligations of any such company so engaged. The investment and fund management policies adopted by the PRIM board shall not be subject to any rules or regulations promulgated by the commissioner of public employee retirement governing the investment of funds by the retirement boards.

**SECTION 91.** Said subdivision (2A) of said section 23 of said chapter 32, as so appearing, is hereby further amended by adding the following paragraph:-

(j) The PRIM board shall be subject to the provisions of sections thirty-nine A and sections forty (E) to forty (J), inclusive, of chapter seven.

**SECTION 92.** Said section 23 of said chapter 32, as so appearing, is hereby further amended by adding the following subdivision:-

(4) Orders to protect the system. – If the commissioner determines after a hearing that the investment or recordkeeping practices of any board are not being conducted with reasonable care, skill, prudence or diligence, he may order such board to take or desist from any action that in his judgment is necessary to preserve the integrity of the system. If the commissioner has reason to believe that the investment and recordkeeping practices of any board are not being conducted with reasonable care, skill, prudence or diligence, he may issue a temporary order which shall remain in effect until an investigation, hearing and determination can be made. Violation of any such order shall be punished as provided for in section twenty-four.

**SECTION 93.** Subdivision (1) of section 24 of said chapter 32, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- If the commissioner of public employee retirement determines that any governmental unit, any officer or employee thereof, or the state board of retirement, the teachers' retirement board, or any other board subject to the provisions of sections one to twenty-eight, inclusive, or any member or employee of any such board, has violated or neglected to comply with any provisions of such sections, or the rules and regulations established

thereunder, he shall give notice thereof to the governor, county commissioners, the mayor, the board of selectmen, the Massachusetts Turnpike Authority, the Massachusetts Bay Transportation Authority, the Massachusetts Housing Finance Agency, the Massachusetts Port Authority, the Blue Hills Regional Vocational School System, the Greater Lawrence Sanitary District, or the Minuteman Regional Vocational Technical School District, as the case may be, and to the board and, thereafter, if such violation or neglect continues, shall forthwith present the facts to the attorney general who shall take appropriate action.

**SECTION 94.** Section 25 of said chapter 32, as so appearing, is hereby amended by striking out subdivision (4) and inserting in place thereof the following subdivision:-

(4) The payment of all annuities, appropriations, pensions, retirement allowances and refunds of accumulated total deduction and of any other benefits or payments pursuant to the provisions of sections one to twenty-eight, inclusive, are hereby made obligations of the commonwealth in the case of any such payments to or from funds of the state employees' retirement system, the teachers' retirement system, or the Commonwealth's Pension Liability Fund and obligations of the governmental unit in which the system is established in the case of payments from funds of any system established in any county, city or town or in the Massachusetts Turnpike Authority, the Massachusetts Bay Transportation Authority, the Massachusetts Housing Finance Agency, the Massachusetts Port Authority, the Blue Hills Regional Vocational School system, the Greater Lawrence Sanitary District, or the Minuteman Regional Vocational Technical School District.

**SECTION 95.** Section 25 of said chapter 32, as so appearing, is hereby further amended by adding the following subdivision:-

(6) (a) It is hereby declared that any actual or potential failure to comply with the applicable funding standard or schedule established by sections twenty-one, twenty-two, twenty-two C and twenty-two D of this chapter threaten serious injury to the members' contractual pension rights and benefits and the retirement systems. By expressly authorizing the remedy of mandamus herein, the general court intends to assist all persons or entities with a special responsibility or duty in relation to the retirement systems in securing that compliance. In the event that any governmental unit other than the commonwealth fails to comply with its duty either to provide for in its budget, or to pay, the full amount of its obligation towards the retirement system as specified in this chapter, the failure may be remedied by an action for mandamus.

(b) The division of public employee retirement administration shall have standing to institute a legal proceeding for mandamus as provided for in this section. The attorney general, or the district attorney of the county in which a retirement system is located, in addition to any other powers and duties conferred on that office by law, shall also proceed in the name of the commonwealth, upon request of the division or upon the

person's own motion, to institute a legal proceeding for mandamus as provided for in this section. Any mandamus pursuant to this section may compel the addition by such governmental unit other than the commonwealth to its current budget of any omitted amount of its pension obligation and the subsequent payment of any omitted amount of pension obligation with interest at the applicable compound rate, whichever is applicable.

**SECTION 96.** Subdivision (2) of section 26 of said chapter 32, as so appearing, is hereby amended by striking out paragraphs (b) and (c) and inserting in place thereof the following paragraph:-

(b) Upon retirement under the provisions of this subdivision a member shall receive a retirement allowance to become effective on the date of his retirement. Payments under such allowance shall be made as provided for in sections twelve and thirteen and the normal yearly amount thereof shall be equal to the sum of:-

(i) A yearly amount of annuity equal to the yearly amount of the regular life annuity specified in clause (i) of Option (a) of subdivision (2) of section twelve; and

(ii) A yearly amount of pension equal to seventy-two per cent of the annual rate of his regular compensation on the date such illness or injury was incurred, or equal to seventy-two per cent of the average annual rate of his regular compensation for the twelve month period for which he last received regular compensation immediately preceding the date his retirement allowance becomes effective, whichever is greater; provided, however, that for any employee who was not a member in service on or before January first, nineteen hundred and eighty-eight or who has not been continuously a member in service since such date, the total yearly amount of the sum of such pension and the annuity as determined in accordance with the provisions of subparagraph (i) shall not exceed seventy-five per cent of the annual rate of regular compensation as determined in the subparagraph; and provided, further, that no individual who is a member in service on January first, nineteen hundred and eighty-eight whose allowance is limited by the seventy-five per cent limitation as established in this subparagraph, shall receive an amount of pension that is less than seventy-two per cent of such individual's regular compensation on said January first, nineteen hundred and eighty-eight; and

(iii) A yearly amount of additional pension determined at the rate fixed by the actuary as hereinafter provided, for each surviving unmarried child of such member who is under the age of eighteen or who was over said age and physically or mentally incapacitated from earning on the date of such member's retirement. Such additional pension on account of any child shall be paid only so long as such child survives, remains unmarried and is under the age of eighteen or, if over said age remains physically or mentally incapacitated from earning or, if over said age and under the age of twenty-one, is a full-time student at an accredited educational institution offering full-time courses of study equivalent to or higher than secondary school study. The words



"accredited educational institution" shall mean any school, college, or university that is licensed, approved, or accredited, as the case may be, in the state in which it is located. Beginning July first, nineteen hundred and eighty-eight such additional pension shall be fixed at a rate of four hundred and fifty dollars for each eligible child. Beginning July first, nineteen hundred and eighty-nine, such rate shall be increased by an amount equal to the percentage increase in the cost of living determined by the general court for such year pursuant to section one hundred and two.

**SECTION 97.** Paragraph (a) of subdivision (4) of section 28 of said chapter 32, as so appearing, is hereby amended by striking out the fifth sentence and inserting in place thereof the following sentence:- Any employee who becomes 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 98.** Section twenty-eight F of said chapter thirty-two is hereby repealed.

**SECTION 99.** Section 58B of said chapter 32, as so appearing, is hereby amended by striking out the first four paragraphs and inserting in place thereof the following five paragraphs:-

A veteran who is entitled to be retired under the provisions of section fifty-eight may, on or before the date of his written application for retirement, elect to receive a lesser yearly amount of pension payable to such veteran during his lifetime, with the provisions that upon his death leaving as a survivor his spouse or other eligible beneficiary, as hereinafter defined, at the time of his retirement two-thirds of the yearly amount of such lesser pension shall be continued during the lifetime of and paid to such spouse or other eligible beneficiary; provided, however, that the surviving spouse or other eligible beneficiary shall receive not less than two-thirds of the pension such veteran is receiving at the time of his death; and provided, further, that if such surviving spouse or other eligible beneficiary dies on or after the date such lesser pension becomes effective and before the death of such veteran, such veteran thereafter shall be paid a full pension and may not choose another option. Such full pension shall be determined by multiplying the amount of the lesser pension at the time of the death of such surviving spouse or other eligible beneficiary by a fraction the numerator of which is the yearly amount of the full pension which such veteran would have received under section fifty-eight at the time his retirement allowance became effective if he had not elected that it be paid in accordance with the terms of the first sentence of this section, and the denominator of which is the yearly amount of the lesser pension which such veteran received at the time his pension first became effective.

The election of this option shall be filed with the retiring authority in writing on a prescribed form on or before the date of the written application for the retirement of such veteran, and if the spouse or other eligible beneficiary dies before the date such retirement becomes effective this option shall not take effect. The yearly amount of such lesser pension shall be determined so that the value, on the date such pension becomes effective, of the prospective payments to such veteran, including those for a full pension made in accordance with the first paragraph of this section, and to such spouse or other eligible beneficiary shall be the actuarial equivalent of the value on such date of the full pension that such veteran would be entitled to under the provisions of section fifty-eight.

The computation of the actuarial equivalent of the pension payable to a veteran and to his spouse or other eligible beneficiary under the provisions of this section shall be subject to the supervision and verification by the actuary appointed by the commissioner of public employee retirement in accordance with the provisions of section twenty-one and the expenses for such service shall be paid by the governmental unit granting the pension.

If a veteran entitled to be retired under the provisions of section fifty-eight dies before making written application for such retirement, or, having exercised the option provided by this section, dies before the effective date of his retirement, his widow shall receive an annual allowance consisting of two-thirds of the actuarial equivalent to which said veteran would have been entitled had his retirement allowance been computed under the provisions of this section as of the date of death of said veteran, and payable from the same source; provided that said spouse and the deceased veteran were living together at the time of his death, or that the retiring authority finds that they had been living apart for justifiable cause other than desertion or moral turpitude on the part of the spouse.

Any allowance provided for under this section shall be in the alternative to any allowance provided for under section twelve. If the deceased veteran was a member of a system established under sections one to twenty-eight, inclusive, the provisions of paragraph (c) of subdivision (2) of section eleven and Option (d) of subdivision (2) of section twelve shall apply unless the appropriate retiring authority, as defined in section fifty-nine, is notified in writing of the election of the pension under this section within ninety days from the date that the board mailed notice regarding the right of such election; provided, that no pension shall be paid under this section if the deceased veteran is survived by a beneficiary appointed under Option (d) of subdivision (2) of section twelve other than his spouse.

**SECTION 100.** The first paragraph of section 65C of said chapter 32, as so appearing, is hereby amended by striking out the first and second sentences and inserting in place thereof the following three sentences:- A chief justice, justice, associate justice, judge, associate judge, or special justice, hereinafter in this section called judge, who is retired or

who resigns and who is entitled to a pension or retirement allowance for life under the provisions of section sixty-five A, sixty-five B or sixty-five D may elect to receive, in lieu thereof, a pension or retirement allowance for life at a lesser annual rate with provision that upon his death, leaving as a survivor a surviving spouse who was his spouse at the time of his retirement or resignation, two-thirds of such pension or retirement allowance for life at a lesser annual rate shall be paid to such surviving spouse; provided, however, that if such surviving spouse dies on or after the date such lesser retirement allowance becomes effective and before the death of such member, such member thereafter shall be paid a full retirement allowance. Such full retirement allowance shall be determined by multiplying the amount of the lesser retirement allowance at the time of the death of such surviving spouse by a fraction the numerator of which is the yearly amount of the full retirement allowance which such member would have received at the time his retirement allowance became effective, and the denominator of which is the yearly amount of the lesser retirement allowance which such member received at the time his retirement allowance first became effective. The yearly amount of such lesser retirement allowance shall be determined so that the value, on the date such allowance becomes effective, of the prospective payments to such member and to such surviving spouse shall be the actuarial equivalent of the value on such date of the full retirement allowance; provided, however, that the yearly amount of such lesser retirement allowance shall be decreased to reflect the costs to the system of providing full retirement allowances in accordance with the first sentence of this paragraph.

**SECTION 101.** Said section 65C of said chapter 32, as so appearing, is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

If a judge forty-five years of age or over but under the age of seventy who would be entitled, upon resigning, to a pension or retirement allowance for life under section sixty-five A or sixty-five D except for not having attained age seventy, or if a judge forty-five years of age or over but under the age of sixty-five, who would be entitled upon resigning to a pension or retirement allowance under said section sixty-five A or sixty-five D, except for not having attained age sixty-five, or if a judge fifty-five years of age or over but under age sixty-five, who would be entitled upon resigning to a pension or retirement allowance for life under section sixty-five B, except for not having attained age sixty-five dies before resigning, the judge's surviving spouse shall receive a pension or retirement allowance for life computed as provided in the second paragraph except that, in making such computation the proportion of the annual rate of salary payable to a judge under section sixty-five A or sixty-five D or the proportion of the average yearly earning for the required years of service payable to a judge under section sixty-five B shall be reduced by one per cent for each year or part thereof by which the date of death precedes the

attainment of the age at which the judge would have received, upon resigning, his pension or retirement allowance for life under section sixty-five A, sixty-five B or sixty-five D, respectively.

**SECTION 102.** Paragraph (b) of section 65D of said chapter 32, as so appearing, is hereby amended by inserting after the first sentence the following two sentences:- There shall be deducted and withheld from the salary of each judge who entered the service of the commonwealth or a political subdivision thereof on or after January first, nineteen hundred and eighty-eight, a sum equal to eight per cent of the first thirty thousand dollars salary of each judge, nine per cent of such salary between thirty thousand dollars and forty-five thousand dollars and ten per cent of such salary in excess of forty-five thousand dollars; provided, however, that any judge who entered the service of the commonwealth or a political subdivision thereof between January first, nineteen hundred and seventy-nine and January first, nineteen hundred and eighty-eight shall be subject to the additional deduction provided for in paragraph (b 1/2) of subdivision (1) of section twenty-two. The provisions of section fifty of chapter three hundred and sixty-seven of the acts of nineteen hundred and seventy-eight shall not apply to any judge making the deduction provided for in the second sentence of this paragraph or the additional deduction provided for in said paragraph (b 1/2).

**SECTION 103.** Paragraph (c) of said section 65D of said chapter 32, as so appearing, is hereby amended by inserting after the words "per cent", in line 38, the words:- or such other amount as would be applicable pursuant to paragraph (b).

**SECTION 104.** Paragraph (d) of said section 65D of said chapter 32, as so appearing, is hereby amended by inserting after the words "per cent", in line 56, the words:- or such other amount as would be applicable pursuant to paragraph (b).

**SECTION 105.** Paragraph (e) of said section 65D of said chapter 32, as so appearing, is hereby amended by inserting after the words "per cent", in line 74, the words:- or such other amount as would be applicable pursuant to paragraph (b).

**SECTION 106.** Said section 65D of said chapter 32, as so appearing, is hereby further amended by adding the following paragraph:-

(i) Pursuant to the provisions of section four hundred and fourteen (h)(2) of the United States Internal Revenue Code, the governmental unit from which each judge receives his regular compensation shall assume and pay the contributions which would be payable by the judge under paragraph (b). The contributions so assumed shall be treated as employer contributions in determining tax treatment under the United States Internal Revenue Code. Contributions which are assumed pursuant to this subdivision shall be treated and identified as member contributions for all purposes of the retirement system, except as specifically provided to the contrary in this subdivision.

Contributions assumed pursuant to this subdivision shall be paid from the same source of funds used for the payment of compensation to the judge. A deduction shall be made from the judge's compensation equal to the amount of the judge's contributions assumed by the employer. This deduction, however, shall not reduce the judge's compensation for purposes of computing benefits under the retirement system pursuant to this chapter or for purposes of determining any other employee benefits. Assumed contributions shall be transferred to the Judges Retirement Fund in accordance with the provisions of paragraph (b) and shall be credited to a separate fund within the individual accounts of the respective members for whom such contributions have been made in order that the amounts contributed prior to the effective date for the assumption of such contribution may be distinguished from the amounts contributed on or after the date on which the governmental employer is required by law to assume the contributions.

**SECTION 107.** Said chapter 32 is hereby further amended by inserting after section 90G the following section:-

Section 90G 1/2. Notwithstanding the provisions of section ninety F or ninety G, or any other general or special law to the contrary, any member continuing in service pursuant to said sections after having attained the age of seventy may elect to continue to have deductions made from his regular compensation. Any member so-electing shall upon retirement receive a superannuation retirement or veteran's pension allowance, as applicable, equal to that to which he would have been entitled had he retired at age seventy; provided, however, that the regular compensation of such member shall include any regular compensation received by such member after having made such election.

The provisions of this section shall take effect for the members of any retirement system by majority vote of the board of such system, subject to the approval of the legislative body. For purposes of this paragraph, "legislative body" shall mean a town meeting in a town, the city council in a city, the county retirement board in a district. Acceptance shall be deemed to have occurred upon the filing of a certification of such votes with the commissioner. For the purposes of this section, the state teachers' and state employees' retirement system shall be deemed to have accepted this section. Any member of a system accepting this section who on the date of such acceptance is continuing in service pursuant to section ninety F or ninety G after having attained the age of seventy, may include any regular compensation received by such member after having attained said age by depositing, upon such conditions as the board shall determine, in the annuity savings fund of said system an amount equal to the amount which would have been withheld from his regular compensation had said acceptance taken effect on the date such member attained said age seventy, and had such member made the election provided for in this section on such date.

**SECTION 107A.** Section 91A of said chapter 32, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 19, the

words "a federal W-2 form" and inserting in place thereof the words:- all pertinent federal W-2 forms.

**SECTION 108.** Paragraph (a) of section 102 of said chapter 32, as so appearing, is hereby amended by striking out, in line 1, the word "insurance" and inserting in place thereof the words:- public employee retirement administration.

**SECTION 109.** Section 10A of chapter 32A of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Each employee insured for the minimum amounts of group life and group accidental death and dismemberment insurance provided in section six may, subject to such conditions as the commission shall approve, be insured for amounts of group life insurance and group accidental death and dismemberment insurance in addition to the minimum amounts provided for in said section six. An employee may be insured for additional insurance in thousand dollar incremental amounts up to an amount equal to one thousand dollars less than the employee's gross annual salary rounded down to the nearest whole thousand dollars or for an amount equal to one thousand dollars less than two times, three times, four times, five times, six times, seven times, or eight times the employee's gross annual salary rounded down to the nearest whole thousand dollars. The group insurance commission is hereby authorized to implement a system whereby such employee contributions for such insurance are made on a pre-tax basis. Notwithstanding the maximum dollar limits of the aforesaid amounts of group accidental death and dismemberment insurance and subject to such provisions of the group policy as may be provided by the commission, if a death occurs to an employee while in the performance of his duties and if such death occurs as the natural and proximate result of a robbery or attempted robbery a further additional amount of accidental death insurance shall be payable in an amount equal to three times the sum of additional group life and group accidental death and dismemberment insurance applicable to said employee insured under this section. Such additional insurance shall be issued by the carrier or carriers as determined by the commission without regard to a minimum number of eligible employees or to the provisions of chapter one hundred and seventy-five.

**SECTION 110.** Said section 10A of said chapter 32A, as so appearing, is hereby further amended by striking out, in line 57, the word "optional" and inserting in place thereof the word:- additional.

**SECTION 111.** Said section 10A of said chapter 32A, as so appearing, is hereby further amended by striking out, in line 70, the words "the above schedule" and inserting in place thereof the words:- this section.

**SECTION 112.** Section 12 of said chapter 32A, as so appearing, is hereby amended by striking out, in lines 7 and 8, the words "two

thousand dollars" and inserting in place thereof the words:- such greater amount.

**SECTION 113.** Said chapter 32A is hereby further amended by adding the following section:-

Section 17. The commission shall, subject to appropriation, establish a plan of benefits for certain employees which shall, subject to the procedures and conditions established by the commission, reimburse these employees for eligible dental and vision expenses up to but not exceeding two hundred dollars per year. The commission shall collect and manage the moneys transferred to it for the funding of this plan of benefits and may make any legal deposit, investment or reinvestment of these moneys and any income derived therefrom. As used in this section, "employees" shall mean employees who are classified as managers in the management classification and pay plans in accordance with chapter thirty, sections forty-five and forty-six, unclassified managers who have classified positions reporting to them directly or through intermediate managers or supervisors, incumbents of positions in the executive branch assigned to collective bargaining units but designated as confidential, employees and members of the general court, and retirees who had been in the service of the commonwealth. If an employee is not described in the preceding sentence, but the employee's position is subsequently changed, reorganized or reclassified so as to be covered by the previous sentence, the employee holding such position will be considered an "employee" for the purposes of this section as of the date of such change.

**SECTION 114.** Section 5 of chapter 32B of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "authority", in line 3, the words:- and shall be not less than two thousand dollars.

**SECTION 115.** The first paragraph of section 5D of chapter 40 of the General Laws, as so appearing, is hereby amended by adding the following two sentences:-

In any city, town or district which belongs to a city, town or district retirement system, all amounts appropriated pursuant to this section shall be transferred to and credited to the Pension Reserve Fund provided for in section twenty-two of chapter thirty-two. In any city, town or district which belongs to a county retirement system, all amounts appropriated pursuant to this section shall be held by the city, town or district treasurer pursuant to subdivision (9) of section twenty-two of chapter thirty-two.

**SECTION 116.** Section four A of chapter forty G of the General Laws is hereby repealed.

**SECTION 117.** Chapter 41 of the General Laws is hereby amended by inserting after, section 101 the following section:-

Section 101A. Subsequent to January first, nineteen hundred and eighty-eight, no person who smokes any tobacco product shall be eligible for appointment as a police officer or firefighter in a city or town and no person so appointed after said date shall continue in such office or position if such person thereafter smokes any tobacco products. The personnel administrator shall promulgate regulations for the implementation of this section.

**SECTION 118.** Paragraph (1) of subdivision (a) of section 2 of chapter 62 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following subparagraph:-

(I) Amounts contributed on behalf of the taxpayer pursuant to subdivision (10) of section twenty-two of chapter thirty-two or pursuant to paragraph (i) of section sixty-five D of said chapter thirty-two and not included in the federal gross income; provided, however, that nothing herein shall be deemed to impair the status for tax purposes of any such amount as provided under section nineteen of chapter thirty-two, or subparagraph (4) of paragraph (a) of Part B of section three of chapter sixty-two.

**SECTION 119.** Section 1 of chapter 62B of the General Laws, as so appearing, is hereby amended by striking out the definition of "Wages" and inserting in place thereof the following definition:-

"Wages", for withholding purposes only, wages as defined in section thirty-four hundred and one (a) of the Internal Revenue Code, periodic payments and nonperiodic distributions as defined in section thirty-four hundred and five of said Code and subject to federal withholding, and contributions paid by the employer on behalf of the employee pursuant to subdivision ten of section twenty-two of chapter thirty-two or pursuant to paragraph (i) of section sixty-five D of chapter thirty-two and not otherwise included as wages above.

**SECTION 120.** Section 29 of chapter 90 of the General Laws, as so appearing, is hereby amended by inserting after the second sentence the following sentence:- Subsequent to January first, nineteen hundred and eighty-eight, no person who smokes any tobacco product shall be eligible for appointment as an investigator or examiner empowered to perform police duty, and no person so appointed after said date shall continue in such office or position if such person thereafter smokes any tobacco product; the personnel administrator shall promulgate regulations for the implementation of the provisions of this sentence.

**SECTION 121.** Chapter 111 of the General Laws is hereby amended by adding the following section:-

Section 205. The department shall establish a program to reduce the incidence among the general public of mortality and morbidity from accidents and diseases for which risk factors can be identified. Such risk factors shall include, but not be limited to emotional stress, lack of exercise, poor nutrition and diet, abuse of alcohol and other drugs,



smoking, and exposure to toxic substances. Such diseases shall include, but not be limited to, heart disease, lung disease, cancer and stroke. The program shall educate and screen the general public and particular groups of the general public at risk with respect to particular diseases or accidents. The department shall encourage the development of programs for fitness and behavior changes, including dietary change and smoking cessation. The department, with the cooperation of the personnel administrator and the commissioner of public employee retirement, shall develop, implement, coordinate and monitor fitness and behavior change programs, to be known as wellness programs, for public employees. Such programs shall make use of existing resources, facilities and programs whenever possible; and shall provide for access to any such programs, resources and facilities at no cost to such employees.

The department shall promulgate minimum requirements for wellness programs. Such minimum requirements may vary according to the classification of the employees whom a program is to serve. Wellness programs may be phased in over a period of years, but shall be implemented first for police officers and firefighters to whom section sixty-one A of chapter thirty-one applies and next for employees to whom paragraph (e) of subdivision (3) of section five of chapter thirty-two applies. Minimum requirements for wellness programs for employees to whom said section sixty-one A and said paragraph (e) apply shall be designed to enable such employees to meet the respective health and physical fitness standards of said section and said paragraph.

**SECTION 122.** The third paragraph of section 21 of chapter 138 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out paragraph (a) and inserting in place thereof the following paragraph:-

(a) Sixteen and seven-tenths per cent shall be credited to the Commonwealth's Pension Liability Fund for the accumulation of assets in advance of the payment of retirement allowances and used solely for the purposes of offsetting the anticipated future cost of funding the contributory retirement systems of the state employees and teachers as defined in section one of chapter thirty-two.

**SECTION 123.** Chapter 465 of the acts of 1956 is hereby amended by inserting after section 3 the following section:-

Section 3A. Subsequent to January first, nineteen hundred and eighty-eight, no person who smokes any tobacco product shall be eligible for appointment as a permanent crash crewman, crash boatman, fire controlman, or assistant fire controlman at the General Edward Lawrence Logan International Airport, and no person so appointed after said date shall continue in such office or position if such person thereafter smokes any tobacco products. The personnel administrator of the commonwealth shall promulgate regulations for the implementation of this section.

**SECTION 124.** Chapter five hundred and sixteen of the acts of

nineteen hundred and eighty-five is hereby repealed.

**SECTION 125.** No provision in any section of this act shall in any way impair or otherwise affect the establishment of any eligible list based upon an examination held on or before January first, nineteen hundred and eighty-eight, any appointment or promotion based thereon, or the continued employment of any person so appointed or promoted.

**SECTION 126.** The commissioner of public health is hereby authorized to make an investigation and study of the incidence of various kinds of cancer among police officers and firefighters, respectively, as compared with the incidence of the same kinds of cancer among the general public. Said commissioner shall report to the general court the results of his investigation and study, and his recommendations, if any, including recommendations relative to the establishment of a cancer presumption, so-called, and including recommendations for standards for the implementation of any such presumption 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 December first, nineteen hundred and ninety-one. Said commission also shall file annual progress reports with the governor and with said clerk on or before the first Wednesday in December in each of the years nineteen hundred and eighty-seven, nineteen hundred and eighty-eight, nineteen hundred and eighty-nine, and nineteen hundred and ninety.

**SECTION 127.** The commissioner of public health is hereby authorized to make an investigation and study of the incidence of hypertension and heart disease among persons who are obese, as compared with the incidence of said diseases among the general public. Said commissioner shall report to the general court the results of his investigation and study, and his recommendations, if any, including recommendations relative to the exclusion from the provisions of section ninety-four of chapter thirty-two of the General Laws, of those persons deemed to be obese, and including recommendations for standards for the implementation of such exclusion, 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 December thirty-first, nineteen hundred and eighty-nine.

**SECTION 128.** Notwithstanding the provisions of any general or special law to the contrary, each governmental unit and free public library that assumes employee contributions pursuant to subdivision (10) of section twenty-two of chapter thirty-two of the General Laws or pursuant to paragraph (i) of section sixty-five D of said chapter thirty-two shall continue to withhold federal income taxes based upon these contributions until the Internal Revenue Service rules that pursuant to section four hundred fourteen (h)(2) of the United States Internal Revenue Code these contributions shall not be included as gross

income of the employee until such time as they are distributed.

**SECTION 129.** Notwithstanding the provisions of subdivision (2A) of section twenty-three of chapter thirty-two of the General Laws, the pension reserves investment management board shall operate under the annual budget adopted by said board for the fiscal year nineteen hundred and eighty-eight until such time as said budget or any other annual or supplemental budget request filed by the board is approved in accordance with the provisions of said subdivision.

**SECTION 130.** The commissioner of the department of revenue is hereby authorized to promulgate rules and regulations detailing the procedures to be followed by retirement systems in implementing the provisions of subdivision (10) of section twenty-two of chapter thirty-two of the General Laws and the provisions of paragraph (i) of section sixty-five D of said chapter thirty-two.

**SECTION 131.** The secretary of the executive office for administration and finance is hereby authorized to adopt for active employees of the commonwealth, as defined in section one of chapter thirty-two A of the General Laws, a cafeteria plan pursuant to section one hundred and twenty-five of the Internal Revenue Code which may include, but is not limited to, a dependent care assistance program pursuant to section one hundred and twenty-nine of the Internal Revenue Code and coverage under an accident or health plan pursuant to section one hundred and five and one hundred and six of the Internal Revenue Code.

**SECTION 132.** The chief executive officer of any city or town of the commonwealth is hereby authorized to adopt for active employees a cafeteria plan pursuant to section one hundred and twenty-five of the Internal Revenue Code which may include, but is not limited to, a dependent care assistance program pursuant to section one hundred and twenty-nine of the Internal Revenue Code and coverage under an accident or health plan pursuant to section one hundred and five and one hundred and six of the Internal Revenue Code.

**SECTION 133.** Notwithstanding any general or special law or regulation to the contrary, the board of each retirement system investing in accordance with the provisions of paragraph (g) of subdivision (2) of section twenty-three of chapter thirty-two of the General Laws and, the state treasurer, acting as the treasurer/custodian of the state employees' retirement system and the teachers' retirement system, and as the chairman of the pension reserves investment management board, are hereby authorized and directed to investigate by means of a survey the extent to which corporations organized under the laws of the United States or the several states and operating in Northern Ireland, in which the assets of said retirement systems or the Pension

Reserves Investment Trust Fund are invested, adhere to principals of nondiscrimination in employment and freedom of workplace opportunity. In conducting said survey, said boards and said treasurer may utilize any information presently available relative to similar pension plans. In making said determination, said boards and said treasurer shall consider, without limitation, the following standards for corporate activity:

(1) equal access to employment, promotion, and job-preservation without regard to religious affiliation or other minority status;

(2) the promotion of religious tolerance within the workplace, and the eradication of any manifestations of religious and other illegal discrimination;

(3) adherence to other legal and regulatory guidelines for nondiscrimination and equality of opportunity, existing in Northern Ireland;

(4) adherence to the McBride Principles for Northern Ireland, so-called.

Said treasurer shall set forth the results of said investigation by filing a report with the clerks of the house of representatives and of the senate not later than the first business day in January of each year. Said boards shall set forth the results of said investigation by filing a report with the public employee retirement administration not later than the first business day in January of each year. Said report shall include, but not be limited to, the names and addresses of all United States corporations operating in Northern Ireland in which the assets of said retirement systems or trust fund are invested, and the findings of said boards and said treasurer relative to these corporations' adherence to the standards for corporate activity as set forth. Said boards and said treasurer shall also report their recommendations, if any, consistent with prudent fiduciary practice, based upon the findings of said investigation. Said report shall be available for public inspection in the offices where they are prepared and where they are filed.

Said boards and said treasurer, subject to the approval of the investment committee, established under paragraph (a) of subdivision (1) of section twenty-three of chapter thirty-two of the General Laws, and said pension reserves investment management board, established under paragraph (a) of subdivision (2A) of said section twenty-three, shall, where necessary, appropriate, and consistent with prudent standards for fiduciary practice, initiate and support shareholder petitions or initiatives requiring corporate action in compliance with the standards for nondiscrimination set forth in this act.

**SECTION 134.** The provisions of this act are severable and if any of its provisions shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect or impair any other provisions.

**SECTION 135.** The provisions of section sixty-nine shall apply to all retirement systems as of January first, nineteen hundred and eighty

---

**ACTS, 1987. – Chaps. 698, 699.**

four. The provisions of sections twelve, twenty-one, twenty-two, thirty-one, thirty-four, forty-two, forty-three, forty-five, ninety-eight and ninety-nine shall apply only to benefits receivable pursuant to applications for such benefits, allowances, or other payments made on or after the effective date of this act. The provisions of section forty-seven shall only apply to criminal offenses committed on or after the effective date of this act. The provisions of sections one and three shall take effect on January first, nineteen hundred and eighty-eight.

Approved January 12, 1988.

---

**Chapter 698. AN ACT AUTHORIZING THE COMMISSIONER OF REVENUE TO ACT UPON A CERTAIN LATE APPLICATION OF ABATEMENT OF ESTATE TAXES.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of section thirty-seven of chapter sixty-two C of the General Laws or any other general or special law to the contrary, the commissioner of revenue is hereby authorized to receive and act upon the application of the Estate of Karl T. Welz for the abatement of estate taxes and interest and penalties thereon arising from the death of said Karl T. Welz on April first, nineteen hundred and seventy-six without the prepayment of said estate taxes, interest and penalties thereon previously determined by the commissioner.

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

Approved January 12, 1988.

---

**Chapter 699. AN ACT RELATIVE TO THE ASSESSMENT OF CERTAIN REAL ESTATE IN THE CITY OF BROCKTON.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, the board of assessors of the city of Brockton shall, at such time as the commissioner may in writing approve, but not later than forty-five days after the effective date of this act, make omitted and revised property tax assessments for fiscal year nineteen hundred and eighty-seven, in accordance with the provisions of sections seventy-five and seventy-six of chapter fifty-nine of the General Laws, notwithstanding the time limitations set forth in said sections by which such assessments shall be made.

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

Approved January 12, 1988.

---

**ACTS, 1987. - Chaps. 700, 701, 702.**

**Chapter 700. AN ACT AUTHORIZING THE TOWN OF NORTH READING TO REIMBURSE CERTAIN REAL ESTATE TAXES.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, the town of North Reading is hereby authorized to appropriate for the payment of and after such appropriation the treasurer of said town is authorized to pay to Norbett Evora and Phyllis Evora the sum of four hundred and ten dollars and forty cents, such sum being reimbursement for real estate taxes paid in error for fiscal years nineteen hundred and eighty-three through nineteen hundred and eighty-seven inclusive.

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

Approved January 12, 1988.

---

**Chapter 701. AN ACT RELATIVE TO THE APPOINTMENT OF ASSESSORS IN THE CITY OF CAMBRIDGE.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of section twenty-four of chapter forty-one of the General Laws or any other general or special law to the contrary, the city manager of the city of Cambridge may appoint a three member board of assessors in accordance with the provisions of the charter of said city and shall designate one member as chairman who shall also be the director of the department of assessment administration within said city.

The remaining members of the board of assessors shall be subject to the direction of and report to said director of said department.

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

Approved January 12, 1988.

---

**Chapter 702. AN ACT MAKING AN APPROPRIATION FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND EIGHTY-EIGHT TO PROVIDE FOR SUPPLEMENTING A CERTAIN EXISTING APPROPRIATION.**

Be it enacted, etc., as follows:

**SECTION 1.** To provide for supplementing a certain item in the

---

**ACTS, 1987. – Chap. 703.**

general appropriation act and for certain new activities and projects, the sum 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 ninety-nine of the acts of nineteen hundred and eighty-seven, for the fiscal year ending June thirtieth, nineteen hundred and eighty-eight, the sum so appropriated to be in addition to any amounts available for the purpose.

**SECTION 2.**

**EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.**

Item

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 town; provided however, 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	\$750,000
---	-----------

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

Approved January 12, 1988.

---

**Chapter 703.    AN ACT PREVENTING THE SPREAD OF A CERTAIN INFECTIOUS DISEASE.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately prevent the spread of a certain infectious disease, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health.

Be it enacted, etc., as follows:

Chapter 94 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out sections one hundred and fifty-two A, one hundred and fifty-two B, one hundred and fifty-two D, one hundred and fifty-two E, one hundred and fifty-two F, one hundred and fifty-two G and one hundred and fifty-three and inserting in place thereof the following two sections:-

Section 152A. No person or business entity shall engage in the business of buying, selling or transporting live poultry unless he shall have first obtained a license therefor from the commissioner of food and agriculture, the fee of which shall be determined annually by the

commissioner of administration under the provisions of section three B of chapter seven. Such license shall expire on December thirty-first in the year or part thereof in which such license was issued and may be revoked by the commissioner of food and agriculture for cause and after notice and hearing in the manner provided by chapter thirty A. Such cause shall include, but not be limited to, violations of section one hundred and fifty-two B. All licensees under this section shall keep and maintain, for a period of one year, records of each transaction including dates, names and addresses of both seller and purchaser and number and species of poultry so bought, sold or transported. Said commissioner of food and agriculture may make regulations governing the issuance of such licenses as well as sanitation requirements for all trucks, crates, coops and other conveyances to be so utilized.

Section 152B. The use of wooden crates, containers or coops in the transportation of live poultry to or from farms is hereby prohibited. No truck, cage, crate, coop or other conveyance may enter a farm or livestock sale establishment for the purpose of delivering or removing live poultry or eggs unless such truck, cage, crate, coop or other conveyance is in a clean and sanitary condition. All such equipment used in conjunction with any market or sale point shall be cleaned and disinfected daily prior to the start of business. All such equipment coming into the commonwealth shall be cleaned and disinfected prior to its entry therein. The owner or operator of such equipment shall maintain and have in his possession a record of all such cleanings and disinfections.

A permit shall be issued by the division of animal health prior to the entry into the commonwealth of any live poultry or other fowl, including day-old chicks and poults. Such permits may be obtained by telephone and shall include the number, species, age of the animals to be transported and the name and address of both source flock and purchaser.

Approved January 12, 1988.

---

**Chapter 704. AN ACT RELATIVE TO THE CHARTER OF 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 striking out section 4-1 of chapter 2 and inserting in place thereof the following section:–

**SECTION 4-1.** The regular election of councillors shall be held on the first Friday in June.

**SECTION 2.** Said charter of the town of Southbridge is hereby further



---

**ACTS, 1987. – Chap. 704.**

amended by striking out section 1-1 of chapter 3 and inserting in place thereof the following section:-

**SECTION 1-1.** The chairman pro tem of the organizational meeting would be the senior (in point of service or if equal in service, senior in age) councillor-at-large.

On the first regularly scheduled meeting on or after July 1 following the town elections, and after newly elected members shall have taken office, the council shall elect one of its members to serve as chairman of the council and a vice-chairman, both for a term expiring at the first regularly scheduled council meeting on or after July 1 following the town elections the next year.

**SECTION 3.** Said charter of the town of Southbridge is hereby further amended by striking out section 2-1 of chapter 9 and inserting in place thereof the following section:-

**SECTION 2-1.** At least ninety days prior to the start of each fiscal year, the town manager shall submit to the town council a budget for the ensuing year and an accompanying message, unless otherwise provided for by the General Laws.

**SECTION 4.** Said charter of the town of Southbridge is hereby further amended by striking out section 4-2 of said chapter 9 and inserting in place thereof the following section:-

**SECTION 4-2.** The town council shall adopt the budget with or without amendments, on or before the end of the eleventh month of the fiscal year currently ending. In amending the budget, it may delete or decrease any programs or amounts except expenditures required by law or for debt service. Except on recommendations of the town manager, it shall not increase any amount in or the total of, the proposed budget. Adoption of the budget shall constitute an appropriation of the amounts specified therein as expenditures from the funds indicated.

**SECTION 5.** Said charter of the town of Southbridge is hereby further amended by striking out section 6-2 of said chapter 9 and inserting in place thereof the following section:-

**SECTION 6-2.** After the public hearing, and on or before the end of the eleventh month of the current fiscal year, the town council shall adopt the capital improvements program by resolution, with or without amendment, provided that each amendment must be voted separately and that any increase in the capital improvements program as submitted, must clearly identify the method of financing proposed to accomplish this increase.

**SECTION 6.** Said charter of the town of Southbridge is hereby further amended by striking out section 1-1 of chapter 10 and inserting in place thereof the following section:-

---

**ACTS, 1987. – Chap. 705.**

**SECTION 1-1.** The regular elections for all town offices shall be by official ballot held on the first Friday in June.

**SECTION 7.** Said charter of the town of Southbridge is hereby further amended by striking out section 1-2 of said chapter 10 and inserting in place thereof the following section:-

**SECTION 1-2.** Any person duly elected to any office or board shall take up the duties of his or her office on the first Monday of July, provided that he or she first shall have been sworn in to the faithful performance of his or her duties.

**SECTION 8.** Notwithstanding the provisions of section 4-1 of chapter 2 and chapter 10 of said charter of the town of Southbridge the term of office for persons who are holding town offices as of March fourth, nineteen hundred and eighty-eight shall continue subject to all other provisions of said charter and the laws of the commonwealth, until June thirtieth, nineteen hundred and eighty-eight.

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

Approved January 12, 1988.

---

**Chapter 705. AN ACT AUTHORIZING THE DEPUTY COMMISSIONER OF CAPITAL PLANNING AND OPERATIONS TO GRANT AN EASEMENT TO THE DEPARTMENT OF PUBLIC WORKS OVER A CERTAIN PARCEL OF LAND IN THE CITY OF CAMBRIDGE.**

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 grant an easement to the department of public works over a certain parcel of land in the city of Cambridge, 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 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 grant a permanent easement over a certain parcel of land in the city of Cambridge to the department of public works, for highway purposes subject to such additional terms and conditions as said deputy commissioner may prescribe in consultation with the metropolitan district commission. Said easement being bounded and described as follows:

---

**ACTS, 1987. - Chaps. 706, 707.**

PARCEL 2-E-11. A certain triangular parcel of land in the city of Cambridge, owned by the Commonwealth of Massachusetts and under the care, custody and control of the Metropolitan District Commission, which parcel of land is bounded northeasterly by land now or formerly of the Boston and Maine corporation about 96 feet; southeasterly by land now or formerly of Massachusetts Bay Transportation Authority about 2 feet; northwesterly by the location line by land now or formerly of the Commonwealth of Massachusetts under the care, custody and control of the Metropolitan District Commission about 91 feet. Containing about 1,389 square feet.

The above described parcel of land is shown on a plan entitled: "Plan of Land in Cambridge, Mass., Proposed Diversion For Highway Purposes from Commonwealth of Massachusetts Metropolitan District Commission to Commonwealth of Massachusetts Department of Public Works, dated May 12, 1987 prepared by Bryant Associates, Inc., Boston, Massachusetts," which plan shall be kept on file with the chief engineer of the department of public works.

Approved January 12, 1988.

---

**Chapter 706. AN ACT RELATIVE TO THE SIZE OF PRECINCTS IN THE TOWN OF MONTAGUE.**

Be it enacted, etc., as follows:

Chapter 398 of the acts of 1962 is hereby amended by striking out section 3, as amended by chapter 388 of the acts of 1968, and inserting in place thereof the following section:-

Section 3. The membership of the representative town meeting elected in each precinct shall consist of the largest number divisible by three which is not in excess of one and six-tenths per cent of the number of inhabitants in the precinct. The number of elected town meeting members to which each precinct is entitled for the ensuing year shall be determined by the town clerk between January fifteenth and January twentieth of each year, and shall be proportionate to the number of inhabitants on January fifteenth of that year.

Approved January 12, 1988.

---

**Chapter 707. AN ACT EXEMPTING CERTAIN POSITIONS IN THE TOWN OF NORWOOD FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.**

Be it enacted, etc., as follows:

**SECTION 1.** The positions of senior building custodian at the municipal building and business manager of the public works department

---

**ACTS, 1987. - Chaps. 708, 709.**

of the town of Norwood 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 employed in either of the positions in section one on the effective date of this act.

Approved January 12, 1988.

---

**Chapter 708. AN ACT FURTHER DEFINING CHILD FOR CERTAIN PURPOSES IN THE OFFICE FOR CHILDREN.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 2 of chapter 28A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the definition of "Child" and inserting in place thereof the following definition:-

"Child", any person under the age of eighteen or under the age of twenty-two if such child is a child with special needs.

**SECTION 2.** Section 9 of said chapter 28A, as so appearing, is hereby amended by striking out, in lines 63, 69 and 94 the word "sixteen" and inserting in place thereof, in each instance, the word:- eighteen.

Approved January 12, 1988.

---

**Chapter 709. AN ACT PROVIDING FOR THE HARVEST OF CONCH.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 130 of the General Laws is hereby amended by striking out section 74, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 74. The division of marine fisheries shall examine from time to time as conditions may require, or upon request of the commissioner of public health, the mayor or city manager of a city, or the selectmen or town manager of a town, the coastal waters and flats of the commonwealth and samples of shellfish therein or thereon in order to determine what areas thereof are so contaminated that shellfish obtained therefrom are unfit for food and dangerous to the public health. The division of marine fisheries shall forward the results of all tests as directed by the commissioner of public health. If, after such examination, either the department of public health or the division of marine fisheries determines that such contamination exists, it shall, by written order, promulgate definite bounds of the area or areas so determined to be contaminated, and may specify the period of time

during which such determination shall be in effect. Before such determination shall be in effect, such department or division making the determination shall:

(1) Publish the results of its determination thereof in a newspaper published in each city and town in which or adjacent to which any contaminated area is situated.

(2) File in the office of the clerk of every such city or town the results of the determination.

(3) Cause to be posted at points on or near every such area a description thereof, specifying said bounds and a statement that such an area is contaminated.

(4) If the department of public health makes the determination, notify the directors of the division of marine fisheries and the division of law enforcement of its determination by filing with them properly authenticated copies, certified by the secretary of state, of its determination, publication, filing and posting.

(5) If the division of marine fisheries makes the determination, notify the director of the division of law enforcement of its determination by filing with him properly authenticated copies, certified by the secretary of state, of its determination, publication, filing and posting.

Whenever, as a result of a subsequent examination of an area or areas determined by the division of marine fisheries or the department of public health to be contaminated, such division or said department, as the case may be, determines that the shellfish in such area or areas are safe to use as food, notice of such determination shall be published immediately, and provided to the directors of the division of marine fisheries and the division of law enforcement, in the case of a determination by the department of public health, and to the director of the division of law enforcement in the case of a determination by the division of marine fisheries; provided, however, that if the department of public health or the division of marine fisheries has specified a period of time during which the determination of pollution shall be in effect, such publication and notice shall not be required if such period has expired. The record of any examination hereunder and the bacteriological counts made therein shall be subject to inspection upon request.

Personnel at the department of public health and the division of marine fisheries in the performance of their duties under this section, may enter upon and pass through or over private lands or property whether or not covered by water.

The presentation in evidence by any officer of the commonwealth empowered to enforce this chapter of a document attested to by the commissioner of the department of public health or the director of the division of marine fisheries or either of their designees to the effect that the provisions of this section have been complied with shall be prima facie evidence that an effective determination has been made.

The department of public health and the division of marine fisheries, acting jointly, after consultation with the department of environmental quality engineering, can promulgate rules and regulations establishing standards and criteria for the classification of all shellfish growing areas

within the commonwealth. Such standards and criteria shall conform at a minimum to those established by the national shellfish sanitation program.

This section shall not apply to scallops or conch unless scallops or conch are specifically included in such determination.

**SECTION 2.** Said chapter 130, as so appearing, is hereby further amended by striking out section 74A and inserting in place thereof the following section:-

Section 74A. Both the department of public health and the division of marine fisheries shall have the authority immediately to designate shellfish areas as contaminated and that shellfish obtained therefrom are unfit for food and dangerous to the public health, in the event of an emergency as determined by either the department of public health or the division of marine fisheries. Such designation shall be reported to the division of law enforcement, and, in the case of a determination by the department of public health, to the division of marine fisheries, who shall take the necessary action to prevent the taking of shellfish from such area for human consumption and so notify local authorities in each instance. Such determination shall be in effect until subsequent examination, initiated not more than thirty days after the emergency has been determined, shows the shellfish from such area to be safe for human consumption and the said department or division which designated the emergency declares it to be over. In the event that the department of public health determines that there is an emergency, the commissioner of public health shall have the power to direct the activities of all employees of the division of marine fisheries who are regularly engaged in monitoring the condition of shellfish during that emergency.

This section shall not apply to scallops or conch unless scallops or conch are specifically included in such determination.

**SECTION 3.** Section 75 of said chapter 130, as so appearing, is hereby amended by striking out, in lines 9 and 10, the phrase "the commissioner of the department of environmental quality engineering, after appropriate review and comment by the commissioner of public health" and inserting in place thereof the following phrase:- the commissioner of public health.

**SECTION 4.** Said chapter 130 of the General Laws, as so appearing, is hereby further amended by striking out section 76, and inserting in place thereof the following section:-

Section 76. The director of the division of marine fisheries may construct and operate shellfish purification plants for the treatment of shellfish taken from areas determined under section seventy-four or any corresponding provisions of earlier laws, to be contaminated, and may operate such existing purification plants to serve such areas as he may deem necessary for these purposes. Said director may acquire by purchase, gift, lease or otherwise, or take by eminent domain under

chapter seventy-nine, such land and buildings thereon as may be necessary for the purposes of this section. Said director or his designee shall have sole authority over the acceptance, treatment and discharge of shellfish at such plants, subject to the rules and regulations, which the department of public health is hereby authorized and directed to adopt, relative to the protection of the public health in the consumption of such shellfish.

**SECTION 5.** Section 77 of said chapter 130, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words "the department of fisheries, wildlife and recreational vehicles" and inserting in place thereof the words:- the division of marine fisheries.

**SECTION 6.** Section 80 of said chapter 130, as so appearing, is hereby amended by inserting after the word "permit", in line 26, the following words:- issued jointly by the division of marine fisheries and the department of public health; and by inserting, in line 34, after the word "permit" the following words:- issued jointly by the division of marine fisheries and the department of public health.

**SECTION 7.** Said section 80 of said chapter 130, as so appearing, is hereby further amended by striking out the fifth paragraph and inserting in place thereof the following paragraph:-

The director shall promulgate rules and regulations relative to the form, contents, and use of all permits issued under this chapter except the form, contents and use of wholesale and retail seafood dealer permits which shall be subject to rules and regulations promulgated by the director and the commissioner of public health. The director shall revoke and cancel and require the surrender of any permit issued under this chapter if, in his opinion, after a hearing, after due notice by him or some person designated by him, the holder has violated any rule or regulation of the director or of any provision of this section or section seventy-five, or upon a change in the facts and conditions set forth in such permit or certificate. The commissioner of public health shall also have the authority to revoke and cancel and require the surrender of any wholesale dealer or retail dealer permit issued under this chapter if, in his opinion, after a hearing, after due notice by him or some person designated by him, the holder has violated any rule or regulation of the department of public health or any general or specific law pertaining to fish or the sale thereof, or upon a change in the facts and conditions set forth in such permit. Pending the hearing, the certificate may be suspended. Whoever violates any provisions of this section shall be punished by a fine of not less than ten nor more than fifty dollars or by imprisonment for thirty days, or both.

**SECTION 8.** There shall be an advisory board consisting of the commissioner of public health or his designee, the commissioner of the department of fisheries, wildlife and environmental law enforcement or his designee, the commissioner of the department of environmental

quality engineering or his designee, and the director of the office of coastal zone management or his designee. The board shall review the operations of the programs governing the management, research and control of marine resources in the commonwealth, and the conduct of research, monitoring, and surveillance activities with respect to shellfish, and shall make recommendations to the appropriate agencies to promote coordination and efficiency of such programs and activities.

**SECTION 9.** The division of marine fisheries shall at least every two years study the meat of conch taken from areas subject to sections seventy-four or seventy-four A of chapter one hundred and thirty to determine the extent of contamination, if any, of such meat by chemicals that are injurious to public health. Such study shall include possible contamination by so-called PCBs and heavy metals. Copies of such reports shall be distributed to the secretary of the executive office of environmental affairs, the department of environmental quality engineering and the department of public health.

Approved January 12, 1988.

---

**Chapter 710. AN ACT RELATIVE TO THE ASSURANCE FUND OF THE LAND COURT.**

Be it enacted, etc., as follows:

Chapter 185 of the General Laws is hereby amended by striking out section 101, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 101. A person who, without negligence on his part, sustains loss or damage by reason of any error, omission, mistake or misdescription in any certificate of title or in any entry or memorandum in a registration book, or a person who, without negligence on his part, is deprived of land or of any estate or interest therein, by the registration of another person as owner of such land or of any estate or interest therein, through fraud or in consequence of any error, omission, mistake or misdescription in any certificate of title or in any entry or memorandum in a registration book may institute an action in contract in the superior court for compensation from the assurance fund for such loss, damage or deprivation; but a person so deprived of land or of any estate or interest therein, having a right of action or other remedy for the recovery of such land, estate or interest, shall exhaust such remedy before resorting to the action of contract herein provided. This section shall not deprive the plaintiff of any action of tort which he may have against any person for such loss or damage or deprivation of land or of any estate or interest therein. If the plaintiff elects to pursue his remedy in tort, and also brings an action of contract under this chapter, the action of contract shall be continued to await the result of the action of tort.

Approved January 12, 1988.



---

**ACTS, 1987. – Chaps. 711, 712.**

**Chapter 711. AN ACT FURTHER REGULATING INSURANCE COVERAGE FOR CHIROPRACTIC SERVICES.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 108D of chapter 175 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the last sentence.

**SECTION 2.** Chapter 176B of the General Laws is hereby amended by inserting after section 4J, inserted by section 3 of chapter 394 of the acts of 1987 the following section:-

Section 4K. Any subscription certificate under an individual or group medical service agreement which shall be delivered or issued or renewed in the 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 chiropractic service.

Approved January 12, 1988.

---

**Chapter 712. AN ACT RELATIVE TO CERTAIN TAXATION PROVISIONS APPLICABLE TO CITIES AND TOWNS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 9 of chapter 58 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 2, the word "April" and inserting in place thereof the word:- June.

**SECTION 2.** Chapter 59 of the General Laws is hereby amended by striking out section 25, as appearing in the 1986 Official Edition, 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 such reasonable 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 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 upon their own initiative or within ten days of a written request by the chief executive officer, with written notice to the chief executive officer, to a reserve fund to be appropriated for any lawful purpose; any balance in said reserve fund at

the end of the fiscal year shall be closed out to surplus revenue. This section shall apply to fire, water and improvement districts.

**SECTION 3.** Chapter 60 of the General Laws is hereby amended by inserting after section 3B the following section:-

Section 3C. Any city or town which accepts the provisions of this section or has previously accepted chapter one hundred and ninety-four of the acts of nineteen hundred and eighty-six is hereby authorized, subject to the approval of the commissioner, to design and designate a place on its municipal tax bills, or the motor vehicle excise tax bills, or to mail with such tax bills a separate form, whereby the taxpayers of said city or town can voluntarily check off, 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 which shall be to provide educational financial aid to deserving city and town residents in accordance with this section.

Any amounts donated to the scholarship fund shall be deposited into a special account in the general treasury and shall be in the custody of the treasurer. The treasurer shall invest said funds at the direction of the officer, board, commission, committee or other agency of the city or town who or which is otherwise authorized and required to invest trust funds of the city or town and subject to the same limitations applicable to trust fund investments, except as otherwise specified herein. Interest earned upon such fund shall remain therewith and shall be used for the purpose of said fund without further appropriation.

In any city or town establishing a scholarship fund there shall be a scholarship committee to consist of the superintendent of the city or town schools or designee thereof, and no fewer than four residents of the city or town appointed by the board of selectmen to a term of three years. The scholarship committee shall select the recipients of and amounts of financial aid from the scholarship fund and shall be guided by any criteria established by the scholarship committee, subject to any ordinance or by-law and further subject to the following criteria:

(a) The recipients of financial aid must be residents of the city or town at the time the financial aid is first awarded and have been accepted to pursue education beyond the secondary school level at an institution deemed accredited by the committee.

(b) The committee shall take into consideration each recipients financial need, character, scholastic record and involvement in community work as well as extracurricular school activities.

The scholarship committee may distribute financial aid from both interest and principal of the fund, without further appropriation. The scholarship committee shall establish a procedure for determining at least on an annual basis the amounts or percentage of the funds that shall be authorized for distribution and for notifying the investing officer or agency so that the funds may be made available in a timely manner and with a minimum of penalties.

---

**ACTS, 1987. - Chaps. 713, 714.**

**SECTION 4.** Chapter one hundred and ninety-four of the acts of nineteen hundred and eighty-six is hereby repealed.

**SECTION 5.** Any city or town which accepted provisions of chapter one hundred and ninety-four of the acts of nineteen hundred and eighty-six prior to the effective date of this act shall be subject to the provisions of section three C of chapter sixty of the General Laws.

Approved January 12, 1988.

---

**Chapter 713. AN ACT CONTINUING CERTAIN BENEFITS FOR STATE EMPLOYEES ON PARENTAL LEAVE.**

Be it enacted, etc., as follows:

Chapter 32A of the General Laws is hereby amended by inserting after section 10D, inserted by section 37 of chapter 303 of the acts of 1987, the following section:-

Section 10E. The health and insurance benefits including, without limitation, policies of group life insurance group accidental death and dismemberment insurance, and the group general or blanket hospital, surgical, medical, dental and other health insurance as provided in this chapter for an employee of the commonwealth shall be continued for such employee for any period for which such employee is granted leave by his employer for the purpose of caring for such employee's minor dependent child under three years of age; provided, however, that, notwithstanding any general or special law, rule or regulation to the contrary, the employee shall make payment of the portion of the total monthly premium or rate that would have otherwise been deducted from his salary, wages or other compensation had such employee not taken such leave, and the commonwealth shall contribute the remaining amount of any such premium cost. For the purposes of this section, "dependent child" shall mean any child, whether natural, adoptive or a stepchild, of any such employee.

Approved January 12, 1988.

EMERGENCY LETTER: January 26, 1988 @ 11:40 A.M.

---

**Chapter 714. AN ACT RELATIVE TO CHILD SUPPORT ORDERS.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 119A of the General Laws is hereby amended by adding the following section:-

Section 13. (a) Any payment or installment of support under any child support order issued by any court of this commonwealth or by a court or agency of competent jurisdiction of any other state shall be on or after

---

ACTS, 1987. - Chap. 715.

the date it is due, a judgment by operation of law, with the full force, effect, and attributes of a judgment of this commonwealth including the ability to be enforced; shall be entitled as a judgment to full faith and credit; and shall not be subject to retroactive modification except with respect to any period during which there is pending a complaint for modification, but only from the date that notice of such complaint has been given, either directly or through the appropriate agent, to the obligee or, where the obligee is the plaintiff, to the obligor.

(b) The provisions of this section shall apply to any action for modification or enforcement of any child support order brought pursuant to or adjudicated under chapter one hundred and nineteen, two hundred and seven, two hundred and eight, two hundred and nine, two hundred and nine A, two hundred and nine C, two hundred and fifteen, two hundred and seventy-three, two hundred and seventy-three A or any other chapter involving the support and maintenance of minor children.

**SECTION 2.** Section 34B of chapter 215 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in lines 5 and 6, the words "and such judge may modify or terminate such judgment without petition" and inserting in place thereof the words:- to determine that such judgment was issued by a court of competent jurisdiction and was not obtained by fraud.

Approved January 12, 1988.

---

**Chapter 715. AN ACT RELATIVE TO THE DESIGNATION OF CERTAIN STATE REPRESENTATIVE DISTRICTS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 4 of chapter 57 of the General Laws is hereby amended by striking out the caption "Barnstable and Islands", as appearing in section 1 of chapter 341 of the acts of 1987, and inserting in place thereof the following caption:-

Barnstable, Nantucket and Dukes.

**SECTION 2.** Said section 4 of said chapter 57 is hereby further amended by striking out the five paragraphs under the caption Barnstable and Islands, as so appearing, and inserting in place thereof the following five paragraphs:-

First Barnstable. - Consisting of the towns of Brewster, Dennis and Yarmouth, all in the county of Barnstable.

Second Barnstable. - Consisting of the towns of Chatham, Eastham, Harwich, Orleans, Provincetown, Truro and Wellfleet, all in the county of Barnstable.

Third Barnstable. - Consisting of the towns of Bourne, Mashpee and Sandwich, all in the county of Barnstable.

Barnstable and Dukes. - Consisting of the town of Falmouth, in the

---

**ACTS, 1987. - Chap. 716.**

county of Barnstable; and the towns of Chilmark, Edgartown, Gay Head, Gosnold, Oak Bluffs, Tisbury and West Tisbury; all in the county of Dukes County.

Barnstable and Nantucket. - Consisting of the town of Barnstable, in the county of Barnstable; and the town of Nantucket, in the county of Nantucket.

Approved January 12, 1988.

---

**Chapter 716. AN ACT INCREASING THE PERSONAL CARE ALLOWANCE FOR RESIDENTS OF LONG TERM CARE FACILITIES.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 6 of chapter 118E of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following three paragraphs:-

Any person who is eligible for assistance under this chapter who is not maintaining his own home and who is receiving care in a licensed nursing home, a licensed chronic hospital, a licensed rest home, or an approved public medical institution, shall retain the first sixty-five dollars of monthly income for clothing, personal needs allowance and leisure time activities. If there is no such income, or if it is less than sixty-five dollars, the recipient shall be paid monthly, in advance, the difference between such income and sixty-five dollars.

The department 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 be reimbursed through the per diem rates established by the rate setting commission under chapter six A.

Beginning on July first, nineteen hundred and eighty-eight and on July first of each subsequent year, the amount established in this section shall be increased at the same percentage rate as any increase payable to recipients of assistance under the provisions of title XVI of the federal Social Security Act.

**SECTION 2.** Section 1 of chapter 117 of the General Laws, as so appearing, is hereby amended by adding the following three paragraphs:-

Any person who is eligible for assistance under this chapter who is not maintaining his own home and who is receiving care in a licensed nursing home, a licensed chronic hospital, a licensed rest home, or an approved public medical institution, shall retain the first sixty-five dollars of monthly income for clothing, personal needs allowance, and leisure time activities. If there is no such income, or if it is less than sixty-five dollars, the recipient shall be paid monthly, in advance, the difference between such income and sixty-five dollars.

The department 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 be reimbursed through the per diem rates established by the rate setting commission pursuant to chapter six A.

Beginning on July first, nineteen hundred and eighty-eight and on July first of each subsequent year, the amount established in this section shall be increased by the same percentage rate as any increase payable to recipients of assistance under the provisions of title XVI of the federal Social Security Act.

Approved January 12, 1988.

---

**Chapter 717. AN ACT PROVIDING A FACILITY FOR SHELTERING HOMELESS PERSONS FOR THE PINE STREET INN, INC.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of section twenty-six of chapter one hundred and twenty-one B of the General Laws to the contrary, the Boston Housing Authority is hereby authorized to sell or otherwise dispose of the property located at 444 Harrison avenue in the city of Boston, which is currently leased by the Pine Street Inn, Inc., to the Pine Street Inn, Inc. The executive office of communities and development, hereinafter referred to as the office, shall approve the sale and the terms thereof, which shall be at the fair market value for the proposed reuse of the property.

The office shall insure that the proceeds from such sale shall be reimbursed to the commonwealth in the amount of any grant made with respect to such building pursuant to section forty-one A of said chapter one hundred and twenty-one B or any other provision of law as well as the amount necessary to pay in full any other outstanding obligations of the commonwealth with respect to said facility. Such reimbursements shall be paid to the state treasury and credited to the General Fund.

The office shall further determine that after reimbursement to the commonwealth, as provided for in the prior paragraph, the proceeds of such sale or other funds available to the Boston Housing Authority for said facility, or both, shall not be less than the amount necessary to pay in full the principle of and interest on the outstanding obligations of the Boston Housing Authority with respect to said facility. Such amount of proceeds of the funds not necessary to pay in full said obligations shall be deposited in trust by the office for the benefit of the holders of other outstanding obligations. Until and unless all such outstanding obligations are paid and discharged in full said proceeds and other funds shall be expended solely for payment of principal and interest thereon. All monies remaining after the commonwealth, the Boston Housing Authority and all other outstanding obligations have been settled will be paid to the state treasury and credited to the General Fund.

The office shall insure that such sale complies with the requirements of section forty J of chapter seven of the General Laws, concerning disclosure of direct or indirect beneficial interest in Pine Street Inn, Inc.; provided, however, that such sale shall not be subject to the requirements of section forty E, forty F, forty H, or forty I of said chapter seven.

The office shall enter into a disposition agreement among the office, the Boston Housing Authority and Pine Street Inn, Inc., which shall assure the continued operation of such facility for at least twenty years as a facility providing food and shelter for homeless persons, as defined in paragraph (e) of section two of chapter one hundred and seventeen of the General Laws, to the extent such facility is under contract with or funded by the commonwealth or any department thereof to operate. Said agreement shall provide that if the Pine Street Inn, Inc. sells the facility after twenty years from the date of purchase, any profit shall be used for the provision of homeless shelters or low income housing.

Approved January 12, 1988.

---

**Chapter 718. AN ACT PROVIDING FOR CERTAIN APPOINTMENTS  
TO THE MASSACHUSETTS BAY TRANSPORTATION  
AUTHORITY POLICE FORCE.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, any person employed by the Massachusetts Bay Transportation Authority on July first, nineteen hundred and eighty-seven who had been employed by the police force of the Boston and Maine Railroad immediately prior to such employment by said Authority, and whose duties in his position on said police force are determined by said Authority to have been transferred to said Authority, shall have his name certified by the personnel administrator for appointment to the lowest title of the police force of said Authority before certification from any other source; provided, however, that such person passes an examination given by said administrator, meets all other requirements for appointment to the police force of said authority and satisfactorily completes a prescribed course of study at a regional or municipal police training school approved by the criminal justice training council in accordance with the provisions of section ninety-six B of chapter forty-one of the General Laws. In conducting said examination the personnel administrator shall qualify and rank each applicant based solely upon his education, training and experience. Any person appointed to the Massachusetts Bay Transportation Authority police force pursuant to the provisions of this act shall, upon such appointment be conferred all rights, privileges, and benefits conferred upon any employee upon appointment to said police force; provided, however, that each person so appointed shall be deemed to have been appointed to said police force

---

**ACTS, 1987. - Chaps. 719, 720.**

only as of the first date of full-time employment with said police force; provided, further, that any such person so appointed pursuant to the provisions of this act shall be eligible for membership in the retirement plan of the Massachusetts Bay Transportation Authority police association, provided however, that no such person shall, for the purposes of such retirement plan, receive credit for any service or period of employment prior to employment with the Massachusetts Bay Transportation Authority police force.

Approved January 12, 1988.

EMERGENCY LETTER: February 2, 1988 @ 2:01 P.M.

---

**Chapter 719. AN ACT RELATIVE TO THE RETIREMENT ALLOW-  
ANCE OF DONALD BASTARACHE.**

Be it enacted, etc., as follows:

Notwithstanding the provisions of section ninety D of chapter thirty-two of the General Laws or any other general or special law to the contrary, in computing the number of years of service of Donald Bastarache with the city of Lynn, for purposes of said section ninety D, the city of Lynn is hereby authorized to include the period of service of said Donald Bastarache with the commonwealth for which he contributed to the retirement system; provided, however that said Donald Bastarache meets all other requirements pursuant to said section. Any such increase in retirement allowance shall be in the alternative to any other benefit, allowance or pension otherwise payable pursuant to the provisions of said chapter thirty-two.

Approved January 12, 1988.

---

**Chapter 720. AN ACT DESIGNATING THE MONTVALE AVENUE  
STATE BRIDGE IN THE CITY OF WOBURN AS THE  
BERNARD J. GOLDEN BRIDGE.**

Be it enacted, etc., as follows:

The Montvale avenue state bridge W-43-2, in the city of Woburn located on Montvale avenue, shall be designated and known as the Bernard J. Golden Bridge, in appreciation of Bernard J. Golden's fifty years of dedicated service to the city of Woburn. The department of public works shall erect suitable signs in compliance with the standards of the department.

Approved January 12, 1988.



**Chapter 721. AN ACT AUTHORIZING THE DEPUTY COMMISSIONER OF CAPITAL PLANNING AND OPERATIONS TO LEASE CERTAIN LAND IN THE TOWN OF HULL.**

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 F 1/2 and sections forty H to forty J, inclusive, of chapter seven of the General Laws, subject further to the requirements of section two and such additional terms and conditions as the deputy commissioner may prescribe in consultation with the metropolitan district commission, to lease for a term not to exceed twenty-five years certain real property now under the care and control of the metropolitan district commission. Said real property is the parcel of land with the "Clock Tower Building" thereon, situated on the easterly side of George Washington Boulevard in the Town of Hull, County of Plymouth, Massachusetts bounded and described as follows:

Beginning at a point of other land of the Commonwealth and owners unknown, said point being the southwesterly corner of the herein described premises:

Thence running N 30°-37'-59" W, 90.96 feet to a point;

Thence turning and running S 56°-31'-10" W, a distance of 52.23 feet to a point;

Thence turning and running N 27°-03'-37" W, a distance of 32.61 feet to a point;

Thence turning and running N 59°-25'-17" W, a distance of 159.19 feet to a point;

Thence turning and running S 30°-39'-50" E, a distance of 119.63 feet to a point;

Thence turning and running S 58°-45'-41" W, a distance of 109.16 feet to the point of beginning.

Containing 14,720 square feet of land more or less.

**SECTION 2.** No lease of the property described in section one shall be valid unless such lease provides that said property shall be used only for a purpose which directly or indirectly facilitates public recreation or contributes to the enhancement of public recreation resources.

**SECTION 3.** The deputy commissioner of capital planning and operations is hereby authorized, subject to the provisions of sections forty F 1/2, forty I and forty J of chapter seven of the General Laws, and to such additional terms and conditions as the deputy commissioner may prescribe in consultation with the metropolitan district commission, to lease for a term not to exceed twenty-five years to the present or future owner(s) of the so-called Paragon Park carousel, for purposes which directly relate to the operation of said carousel, a certain parcel of land now under the care and control of the Metropolitan District Commission. Said parcel of land is situated on the easterly side of

---

ACTS, 1987. - Chap. 722.

George Washington Boulevard, the southerly side of Wharf Avenue and the westerly side of Nantasket Avenue in the Town of Hull, County of Plymouth, Massachusetts and is described as follows:

Beginning at a point on the easterly side of George Washington Boulevard at other land of the Commonwealth said point being the southeasterly corner of the herein described premises:

Thence running N 27°-03'-37" W a distance of 89.64 feet to a point;

Thence turning and running by a curve to the right with a radius of 25.26, a distance of 38.39 feet to a point;

Thence running N 60°-00'-00" E a distance of 122.34 feet to a point;

Thence turning and running S 29°-15'-07" E a distance of 111.94 feet to a point;

Thence turning and running S 59°-25'-17" W a distance of 150.69 feet to the point of beginning.

Containing 16,720 square feet of land more or less.

Approved January 12, 1988.

---

**Chapter 722. AN ACT PROVIDING FOR ENDOWED CHAIRS AT THE UNIVERSITY OF MASSACHUSETTS.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide immediately for the promotion of cooperative efforts between the University of Massachusetts and the private sector in support of excellence in research, teaching and service at the University of Massachusetts, 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, there are hereby established ten additional permanent faculty positions at the University of Massachusetts as distinguished chairs for outstanding faculty. Said chairs shall initially remain unfunded and vacant, and shall be retained by the secretary of administration and finance.

**SECTION 2.** The trustees of the university shall establish and maintain a trust fund for each such chair for the purpose of raising a minimum of one million dollars from private sources. The trust funds dedicated to each chair shall be used for the support of research, teaching or service, including the acquisition of specialized equipment, graduate assistants, travel to attend conferences or the conduct of research, acquisition or preparation of materials, or publications; provided, however, that such trust funds shall not be used to supplement the salary of the chair.

**SECTION 3.** Upon certification by the treasurer of the university that a minimum of one million dollars in trust funds has been raised for a particular chair, the position shall be released by the secretary of administration and finance to the trustees of the university.

**SECTION 4.** The president of the university shall thereupon select a person to fill the chair, subject to available appropriations, in accordance with such criteria as may be established by the trustees of the university and the board of regents of higher education.

Approved January 13, 1988.

---

**Chapter 723. AN ACT FURTHER REGULATING THE COMPENSATION OF DISTRICT ATTORNEYS AND THEIR ASSISTANTS.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for a new compensation plan for district attorneys and their assistants, 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 12 of the General Laws is hereby amended by striking out section 14, as appearing in the 1986 Official Edition.

**SECTION 2.** Said chapter 12 is hereby further amended by striking out section 15, as so appearing, and inserting in place thereof the following section:–

Section 15. District attorneys shall devote their full time during ordinary business hours to their duties, shall neither directly nor indirectly engage in the practice of law, and shall receive from the commonwealth a salary of seventy-two thousand five hundred dollars annually.

**SECTION 3.** Said chapter 12 is hereby further amended by striking out section 16, as so appearing, and inserting in place thereof the following section:–

Section 16. Each district attorney shall, subject to appropriation and subject to the conditions of this section, appoint and may, at his pleasure, remove such assistant district attorneys as are necessary to the functioning of the office of the district attorney. Assistant district attorneys shall receive from the commonwealth salaries as recommended by the district attorney appointing them, subject to appropriation and subject to the conditions of this section. No assistant district attorney shall be appointed and no such salary shall be paid unless and until such position and such salary (a) shall have been recommended in writing by

---

**ACTS, 1987. - Chap. 724.**

the district attorney making the appointment and (b) shall have been included in a schedule of offices and positions approved by the house and senate committees on ways and means. The provisions of sections nine A and forty-five of chapter thirty, chapter thirty-one, and chapter one hundred and fifty E shall not apply to said assistant district attorneys. Assistant district attorneys shall devote their full time during ordinary business hours to their duties, and shall neither directly nor indirectly engage in the practice of law.

**SECTION 4.** The salaries in effect for any assistant district attorney so serving on the effective date of this act shall remain in effect for so long as such assistant district attorney continues to so serve, unless such salary is changed in accordance with the provisions of section sixteen of chapter twelve of the General Laws.

**SECTION 5.** Section two shall take effect as of January seventh, nineteen hundred and eighty-seven. Sections one, three, and four shall take effect as of July first, nineteen hundred and eighty-seven.

Approved January 13, 1988.

---

**Chapter 724. AN ACT REVOKING THE ACCEPTANCE OF CERTAIN ACTION TAKEN BY THE TOWN OF HANSON RELATIVE TO THE POLICE CAREER INCENTIVE PAY PROGRAM.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding any general or special law to the contrary, the town of Hanson is hereby authorized to revoke its acceptance of section one hundred and eight L of chapter forty-one of the General Laws.

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

Approved January 13, 1988.

---

**Chapter 725. AN ACT MAKING APPROPRIATIONS TO FUND CERTAIN COLLECTIVE BARGAINING COSTS.**

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 Service Employees International Union, Local 254, and by the memorandum of understanding

---

ACTS, 1987. - Chap. 725.

between the commonwealth and the National Association of Government Employees, Local R1-219 (Unit 3) for certain class reallocations pursuant to Article 17A of the collective bargaining agreement between the parties, and to provide further for the cost of salary adjustments and other economic benefits authorized by the existing, approved collective bargaining agreement between the commonwealth and the State Police Association of Massachusetts (Unit 5A), 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 one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven, the sums so appropriated to be in addition to any amounts available for the purpose.

SECTION 2.

JUDICIARY.

Supreme Judicial Court.

0320-0003

\$6,674

Appeals Court.

0322-0002

\$3,972

Trial Court.  
Collective Bargaining.

0330-0704 For a reserve to meet the cost of certain salary adjustments and other employee economic benefits authorized by the collective bargaining agreement between the chief administrative justice of the trial court and the Service Employees International Union, Local 254; provided, however, that said chief administrative justice 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-eight 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 the secretary of administration and finance 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; provided, further, that copies of said agreement, to-

gether 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 as authorized herein without prior notification of the house and senate committees on ways and means; the secretary of administration and finance shall implement said salary adjustment and benefits within sixty days of the effective date of this act

\$2,977,205

## EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

### Collective Bargaining.

1599-3643 For a reserve to meet the cost of salary adjustments and other employee economic benefits authorized by the memorandum of understanding between the commonwealth and the National Association of Government Employees, Local R1-219 (Unit 3) for certain class reallocations; provided, however, 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-eight such amounts as are necessary to meet the cost of said adjustments and benefits for the fiscal years nineteen hundred and eighty-seven and nineteen hundred and eighty-eight 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 memorandum of understanding, 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 as authorized herein without prior notification of the house and senate committees on ways and means

\$83,875

**SECTION 3.** Section 2 of chapter 224 of the acts of 1987 is hereby amended by striking out item 1599-3618 and inserting in place thereof the following item:-

1599-3619 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 State Police Association of Massachusetts (Unit 5A), 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 years nineteen hundred and eighty-seven and nineteen hundred and eighty-eight where the amounts otherwise available are insufficient for the purposes such amounts as are necessary to meet the cost of said adjustments and benefits for the fiscal year nineteen hundred and eighty-eight and prior fiscal years; 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 col-

lective 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; provided, further, that no transfers shall be made as authorized herein without prior notification to the house and senate committees on ways and means; provided, further, that the secretary of administration and finance should implement said salary adjustments and benefits within sixty days of the effective date of this act; and, provided further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-eight

\$11,638,000

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

Approved January 13, 1988.

---

**Chapter 726. AN ACT VALIDATING CERTAIN ACTION TAKEN BY THE TOWN OF BERKLEY RELATIVE TO CERTAIN SCHOOL BONDS TO BE ISSUED BY SAID TOWN.**

Be it enacted, etc., as follows:

**SECTION 1.** The vote taken by the town of Berkley on May ninth, nineteen hundred and eighty-seven to exempt from the annual tax limitations of section twenty-one C of chapter fifty-nine of the General Laws the bonds to be issued to design and construct renovations and additions to the Berkley middle school is hereby validated and confirmed, notwithstanding any defect or omission in the warrant calling such election.

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

Approved January 13, 1988.

---

**Chapter 727. AN ACT ENHANCING THE TEACHING PROFESSION AND RECOGNIZING EDUCATIONAL ACHIEVEMENT.**



Be it enacted, etc., as follows:

**SECTION 1.** The thirty-fourth paragraph of section 1G of chapter 15 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- In order to provide financial incentives for qualified teachers and to encourage the improved utilization of teaching resources by school committees, the board, beginning on July first, nineteen hundred and eighty-nine and subject to appropriation, shall award grants of up to two thousand five hundred dollars per teacher, for teachers who shall undertake such expanded responsibilities; provided, however, that the total dollar amount of grants to a school district in any fiscal year shall be no higher than two thousand dollars multiplied by ten per cent of the teachers within such district.

**SECTION 2.** Section 49 of said chapter 15, as amended by section 1 of chapter 143 of the acts of 1987, is hereby further amended by adding the following paragraph:-

Beginning on July first, nineteen hundred and eighty-nine, any school district eligible to receive new or additional equal educational opportunity grant funding as designated by Chapter seventy A shall direct such funds to the most-at-risk schools, if any, in said district.

**SECTION 3.** Said chapter 15 is hereby further amended by inserting after section 49 the following five sections:-

Section 49A. As used in sections forty-nine to forty-nine E, inclusive, the following words shall have the following meanings:-

"Most-at-risk schools", individual elementary, middle or junior high schools which ranked in the lowest quartile on the statewide basic skills tests.

"School plan", a comprehensive five year plan for improving student learning in a public school which includes an operating budget for developing and implementing said plan.

"Expanded school improvement council", the public school improvement council, established under section fifty-one with the addition of at least five, but no more than fifteen members, chosen by the school improvement council from representatives of municipal government, business and labor organizations, institutions of higher education, human service agencies, or other interested groups.

Section 49B. Subject to appropriation, and commencing on July first, nineteen hundred and eighty-eight, districts receiving equal education opportunity grants and containing one or more most-at-risk schools may receive equal education opportunity funds for the purpose of enabling said pupils to achieve competency in the basic skills. Each most-at-risk school in said districts shall file a school plan for approval by the board. If a district has received a grant under the provisions of sections forty-nine to forty-nine E, inclusive, it shall be eligible to receive additional grants for a maximum of four successive years; provided, however, that the board determines, through review of the annual report

filed with it by each most-at-risk school, that the school has made reasonable progress in achieving the goals proposed in its approved school plan.

In addition, the board shall award grants, subject to appropriation and commencing July first, nineteen hundred and eighty-seven, to most-at-risk schools, to assist in expanding their school improvement councils, to help in developing school plans, and to plan and operate summer enrichment programs for students. In such summer programs, priority shall be given to students expected to attend the most-at-risk schools. Said grants may be used to employ professional staff to help with the summer program and in the planning process. Such professional staff shall, if possible, come from schools outside the district. Students from secondary schools attended by graduates of a most-at-risk school may be employed to assist in its summer enrichment programs.

Grant funds received under this section for planning purposes or summer programs shall be deposited with the treasurer of the city, town, regional school district or independent vocational school in a separate account to be expended by the expanded school improvement council based on the approved plan, without further appropriation for the purposes of the grant.

Section 49C. A school plan is to be developed and filed with the board by the expanded school improvement council, after review and comment by the parents, teachers, administrators and other professional staff of the individual school. Prior to its filing with the board, the plan shall be submitted to the superintendent of schools for his recommendations. To aid the superintendent of schools in making recommendations, he may consult with a citywide advisory committee comprised of interested and concerned members of the community. The superintendent shall submit the plan, complete with operating budget, to be approved by a majority vote of the school committee and of the local appropriating authority.

Each school plan shall identify factors within and without the individual school which most interfere with successful student learning, setting forth a comprehensive set of strategies to be implemented within the school and in the community, designed to combat the known obstacles to learning and to provide necessary support to the public school's students and their parents. In addition, each plan shall identify public and private agencies, resources, and personnel who will assist the school in implementation of the plan; the procedures for coordination of available resources and personnel, and a plan for coordination with other grants in aid available to the individual school and school district. Each school plan shall set forth annual goals which shall include, but not be limited to, measurable improvement in student academic achievement, reduction in student absenteeism and drop-out rates, and increased summer jobs and learning opportunities for students.

Each most-at-risk school whose school plan has been approved by the board, and for which a district is receiving funding under section forty-nine B, shall prepare and submit to the board an annual report on the programs established under its school plan, setting forth the school's progress in meeting the goals of said plan. The school plan shall be

amended based upon the findings of the annual plan. No school district with most-at-risk schools shall be eligible for new or continued funding under the provisions of sections forty-nine to forty-nine E, inclusive, unless required annual reports and amended plans are approved by the board.

Section 49D. No district with one or more most-at-risk schools shall receive funding under sections forty-nine to forty-nine E, inclusive, if, (1) the share of local expenditures allocated to the support of the public schools has declined in any fiscal year commencing with July first, nineteen hundred and eighty-five, or (2) any most-at-risk school does not receive at least the average per pupil local budget support received by other schools of the same classification and grade level in the district, or (3) the absolute level of financial support for the public schools in the city, town, or regional school district has decreased since fiscal year nineteen hundred and eighty-six. In the case of a school district which fails to meet the aforementioned criteria, the board of education may also consider eligible schools in which the per pupil educational portion of local expenditures, adjusted for inflation and other factors affecting such portion, has not declined in any year since fiscal year nineteen hundred and eighty-six.

Section 49E. There is hereby established an advisory council consisting of the commissioner of education or his designee, who shall be the chairman, the secretary of economic affairs or his designee, the director of the division of employment security or his designee, and at least seven members appointed by the governor, one of whom shall be a school committee member selected from among the membership of the local government advisory council, one of whom shall be a member representing business, one of whom shall be a member representing institutions of higher education, labor, and one of whom shall be a member representing elementary and secondary education and community-based organizations which may be involved in implementing collaborative educational programs. Said advisory council shall review and make recommendations to the board on school plans submitted to the board for approval, and on annual reports and proposed amendments to school plans. In addition, said council may provide technical assistance to most-at-risk schools whose school plans fail to be approved by the board. Said council may also conduct site visits at said schools and make recommendations to the board concerning funding or other matters.

**SECTION 4.** Said chapter 15 is hereby further amended by striking out section 51, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 51. The board shall allocate such funds as are appropriated to the School Improvement Fund, established under the provisions of section thirty-five F of chapter ten, to each school building containing any of the grades from kindergarten to six, inclusive, in the fiscal year nineteen hundred and eighty-six, and in every school building containing any of the grades from kindergarten to twelve, inclusive, in the fiscal year nineteen hundred and eighty-seven and each fiscal year thereafter,

which has filed information set forth in section forty-nine in the following manner: an amount of money equal to the total number of full-time equivalent students in grades kindergarten to six, or kindergarten to twelve in attendance there during the preceding school year multiplied by fifteen dollars in the fiscal year nineteen hundred and eighty-six and each fiscal year thereafter.

Funds appropriated by the board shall be deposited with the town, city or regional treasurer in a separate account for expenditure by the councils pursuant to this section.

The proceeds of the fund shall be used, at the school building level, to establish innovative academic programs, expanded services to students, purchase of instructional equipment, alternative education programs, cultural education programs, community or parental involvement programs, business and education partnership programs, educational planning, staff training, or for any other purposes consistent with the intent of this section.

Such funds shall not be used for current operating costs, supplies, utilities, existing building and equipment maintenance, existing staff salaries and wages, or to supplant current school costs.

At each school the expenditure of said funds shall be determined exclusively by a school improvement 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, who is not a parent of a child attending said school building, 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 additional teacher, one additional parent, and, at school buildings containing any of the grades nine to twelve, one additional secondary student representative for each additional five hundred students selected in the manner above to serve on the council.

To the extent possible said councils shall be broadly representative of the racial and ethnic diversity of the school building and community.

All decisions of such school improvement council regarding the expenditure of funds under this section shall include an assessment of school needs, and a school improvement plan to address such needs, pursuant to the goals for education in the commonwealth adopted by the board, and shall be submitted to the school committee. Said expenditure decision may be vetoed by a majority recorded vote of said school committee. If no such vote is rendered by said committee within thirty days of receipt of said decision, it shall be deemed to be approved. Should the school committee veto a decision of the local school improvement council, said matter shall not be re-submitted for a period of at least one year from said veto. Decisions of such school improve-

ment council under this section shall not be subject to chapter one hundred and fifty E; provided, however, that such expenditures or decisions of said councils shall not be in violation of local collective bargaining contracts in effect as of January first, nineteen hundred and eighty-eight; and provided, further, that decisions of such school improvement council regarding matters brought before it, including, but not limited to the expenditure of funds pursuant to this section, shall not interfere with any power, authority or statutory obligation lawfully vested in any school committee.

All members of such school improvement council shall be subject to the provisions of chapter two hundred and sixty-eight A and shall not be subject to the provisions of chapter two hundred and sixty-eight B. The operation of the councils shall be subject to the provisions of section eleven A 1/2 of chapter thirty A, sections thirty-five to forty-six A, inclusive, of chapter forty-four and section ten of chapter sixty-six.

Such council shall annually submit a complete and detailed report of expenditures of funds pursuant to this section and a copy of the assessment of school needs and school improvement plan required by this section, to the commissioner of education by the end of the school year.

The department shall prepare and distribute to each school committee, superintendent and school improvement council a report specifying the use of school improvement funds statewide.

Beginning in fiscal year nineteen hundred and eighty-eight, and each year thereafter, the board shall provide technical assistance to such school improvement councils. Said assistance shall be administered by the department for the purposes of developing and enhancing the capacity of such councils to plan, establish, and implement strategies and programs to improve the quality of education at the school building level.

**SECTION 5.** The second paragraph of section 52 of said chapter 15, as so appearing, is hereby amended by inserting after the second sentence the following sentence:– Priority for such grants shall be given to individual districts containing one or more most-at-risk schools as defined by section forty-nine A which do not receive funding under chapter seventy A; provided, however, that the proposed program focuses on the most-at-risk schools.

**SECTION 6.** Said chapter 15 is hereby further amended by striking out section 55, as so appearing, and inserting in place thereof the following two sections:–

Section 55. The board of education shall establish a program entitled Recognizing Educational Achievement, hereinafter referred to as REACH. The purpose of REACH shall be to recognize and reward public schools for noteworthy improvement and achievement in a variety of categories consistent with the goals for education established by the board of education. The board shall promulgate regulations for implementation of the program.

Subject to appropriation in fiscal year nineteen hundred and

eighty-nine, and in each year thereafter, the board shall award cash grants to elementary schools, secondary schools or to school districts which demonstrate significant improvement in any area of educational achievement, including but not be limited to, the following:

(a) the increase in the percentage of students passing all three sections of the basic skills test;

(b) the maintenance of at least a ninety-five per cent passing rate on all three sections of the basic skills test for no less than two successive years;

(c) the number of students who previously failed any of the basic skills areas but who succeed in passing upon retesting in grades nine through twelve;

(d) the increase, over the previous year, in the percentage of eligible school age children residing in the district and attending the public schools;

(e) the decrease in the school's or the district's dropout rate;

(f) the promotion of physical and emotional well-being and a positive school environment that fosters self-esteem;

(g) the improvement of critical thinking and communication skills;

(h) the recognition of the rights and responsibilities of citizenship in a democratic society;

(i) the cultivation of shared values and mutual respect;

(j) the appreciation of the arts and the encouragement of creative expression;

(k) the understanding of history and the humanities;

(l) the comprehension of mathematics, the sciences, and the uses of technology;

(m) the mastery of foreign languages and interest in foreign cultures;

(n) the development of occupational and vocational skills; and

(o) the stimulation of desire for lifelong learning.

Eligibility for REACH awards shall be defined in regulations for implementation of the program. Said regulations shall include, but not be limited to, provisions to ensure that achievement in one of the foregoing clauses occurs while maintaining appropriate achievement in other such clauses, and provisions to sanction schools or school districts which falsify data or results on which REACH awards are based.

No school shall receive the financial portion of a REACH award in a school district in which (1) the educational portion of local expenditures has declined in any year since fiscal year nineteen hundred and eighty-six, or (2) where any school receiving a REACH award does not receive at least the average per pupil local budget support received by other schools of the same classification and grade level in the district, or (3) where the absolute level of financial support for the public schools in the city, town, or regional school district has decreased. No district shall receive the financial portion of a REACH award if the education portion of local expenditures has declined in any year since fiscal year nineteen hundred and eighty-six. In the case of a school district which fails to meet the aforementioned criteria, the board of education may also consider eligible those schools or districts in which the per pupil

educational portion of local expenditures, adjusted for inflation and other factors, has not declined in any year since fiscal year nineteen hundred and eighty-six.

REACH awards shall be in the amounts of not less than twenty-five thousand dollars for an elementary school, fifty thousand dollars for a secondary school, and one hundred thousand dollars for a school district.

Distribution of school awards shall be by the school improvement council for efforts to improve the conditions of learning and teaching and to enhance the educational program, so long as such expenditures do not supplant regular school district expenditures, expenditures from state education programs, and current school operating costs, supplies, utilities, existing building and equipment maintenance, and existing staff salaries and wages. All decisions of the school improvement council regarding the expenditure of awards under this section shall be submitted to the school committee. Said expenditure decision may be vetoed by a majority recorded vote of said school committee. If no such vote is rendered by said committee within thirty days of receipt of said decision, it shall be deemed to be approved. Distribution of district awards shall be proposed by the superintendent and shall be approved by the school committee. REACH awards shall be deposited with the treasurer of the city, town, regional school district or independent vocational school in a separate account to be expended by the school improvement council for school awards or the superintendent for district awards without further appropriation.

Indicators of student outcomes, based on data submitted to the board, shall be the primary determinant for awards under this section. The board may appoint distinguished panels of experts to review candidates and to make recommendations to the board for REACH awards and recognition.

Section 55A. The governor shall appoint a five member council, known as the educational measurement audit council, hereinafter referred to as EMAC, to advise the board. EMAC shall be under the direction and control of the state board of education. EMAC shall operate independently of the management and supervision of the commissioner. Its membership shall consist of five experts in educational measurement, three of whom shall not be residents of the commonwealth. Members shall be appointed for terms of three years; provided, however, that of the first members appointed, one shall be appointed for one year, one for two years, and two for three years. One member shall be designated by the governor to serve as chairperson of EMAC. Members may be reappointed, shall be adequately compensated for their service and reimbursed for necessary expenses incurred in the performance of their duties.

EMAC shall meet quarterly on a date set by the chairperson and at such other times at the call of the chairperson; provided however, that the first meeting of the council shall be convened within thirty days after the members have been appointed.

The board may, subject to appropriation, employ such staff for the council including a director, professional assistants, clerical support and

consultants as the chairperson deems necessary, and may determine their salaries and duties. The provisions of sections nine A and forty-five of chapter thirty, chapter thirty-one and chapter one hundred and fifty E shall not apply to employees of the council.

The estimate of the amount required to carry out the mandate of EMAC as required pursuant to section three of chapter twenty-nine shall be submitted by the chairperson with the advice and consent of EMAC and by approval of the state board of education.

EMAC shall act as an independent auditing body, advisory to the board, to verify that educational measurement and testing conducted by or for the department of education in implementing the REACH program in fact measure and test what it intends to measure and test.

EMAC shall transmit its findings and any resultant recommendations to the board and to the clerk of the house of representatives who shall forward the same to the joint committee on education as they are completed and shall compile these into annual reports due each year on the anniversary date of the first meeting of the council.

**SECTION 7.** Section 59 of said chapter 15, as so appearing, is hereby amended by adding the following paragraph:-

There is hereby established a trust fund to be known as the Lucretia Crocker Foundation Trust Fund to be administered by the board into which shall be credited funds received from any corporation, whether public or private, and from any government. Upon receipt, such funds shall be deposited in the state treasury and credited to the trust fund and may be expended by the board for the purposes of this section after consultation with the members of the Lucretia Crocker Foundation advisory board. The Lucretia Crocker Foundation advisory board shall consist of all former Lucretia Crocker fellows.

**SECTION 8.** Said chapter 15 is hereby further amended by adding after section 62, added by section 2 of chapter 143 of the acts of 1987, the following three sections:-

Section 63. There is hereby established a Carnegie school grant program for the purpose of encouraging the public schools of the commonwealth to plan and develop innovative organization and management systems at the school building level, aimed at empowering public school professionals and improving student learning. The Carnegie school grant program shall encourage and support the development of management systems that provide increased autonomy and discretion for school-based professionals and shall encourage innovative organizational strategies to enhance student learning.

Section 64. As used in sections sixty-three to sixty-five, inclusive, the following words shall have the following meanings:-

"Carnegie school", an individual public school, including a school operated by an educational collaborative established under section four E of chapter forty, which operates pursuant to a system of governance set out in an approved Carnegie school plan.

"Carnegie school plan", a comprehensive three-year strategy approved



by the board of education which restructures the school building governance and educational environment, and empowers public school teachers and other professional staff by enabling them to participate in and design the public school governance and organization. Such plan may also include financial decisions on how Carnegie school grant funds are to be allocated at the school building level.

"Waiver", a written agreement between the school-based planning team and an involved organization allowing exemptions from regulations, local school policies, or contractual provisions which, in the opinion of a school-based planning team, are necessary to implement the provisions of the Carnegie school plan. Said waiver may be approved by the board only when the board is convinced that the intent of existing rights and protections accorded to students is maintained or enhanced, and where there is reasonable promise of improved student achievement.

Section 65. The board may award planning and implementation grants to individual public schools which apply for approval as Carnegie schools. In order to be eligible for approval as a Carnegie school an individual public school, subject to the approval of the school committees having jurisdiction over the public school, shall submit an application to the board, developed by a school-based planning team consisting of the building principal, at least five teachers elected by their peers and two other professionals employed at the school, two parents of children attending the school, chosen in elections held by the local parent-teacher organization under the direction of the principal of such school or, if none exists, chosen by the school committee; for school buildings containing any of the grades nine to twelve, inclusive, one secondary student attending said school building elected annually by the students of said grades, and one community representative.

Each application shall set forth the plan for the proposed Carnegie school, and shall include a detailed description of how the school governance will be restructured; how increased student learning will be achieved; the school's goals, including a description of the process to be followed in obtaining necessary approvals from the school committee and waivers from the appropriate organizations; and the objectives to be accomplished in each of the three years covered by the plan. The application may also include the following: a description of the proposed means for restructuring the school's governance, educational climate and environment, a description of the impact that the restructuring will have on the professional lives of teachers and other professional staff, the impact on student learning, a description of the current school organization, a statement of program objectives, and procedures for evaluation of the program. In addition, the application shall include the names of the individuals comprising a development team which shall be responsible for implementation of the approved Carnegie school plan. Said team may include, but shall not be limited to school building teachers, administrators and other professionals, parents of children attending the school, representatives of the community, and school committee members. Once the plan is developed, the staff of the school shall be given the opportunity to sign the plan to indicate their support.

An individual school whose Carnegie school plan has received initial approval by the board shall receive a one year planning grant for the purpose of assisting the school-based planning team in completing the planning necessary for full implementation of the Carnegie school plan.

At the end of the period covered by the planning grant, the school shall submit its Carnegie school implementation plan to the board for final approval. Subject to the attainment of stated goals, the board may annually award grants for not more than three successive years for implementation and administration of Carnegie school plans. In each such year award of the implementation grant shall be subject to a determination by the board that the goals and objectives set forth in the approved Carnegie school plan have been achieved. No Carnegie school plan may be submitted for final approval by the board for implementation unless it is approved by majority vote of the school committee having jurisdiction over the individual public school.

The department of education shall provide technical assistance to schools whose Carnegie school plans have received initial approval by the board.

Notwithstanding any general or special law to the contrary, a school committee may approve the restructuring of school governance pursuant to a Carnegie school plan. Said approval shall be subject to obtaining the appropriate waivers.

Grants awarded under this section shall be deposited with the town, city, collaborative, or regional district treasurer in a separate account to be expended without further appropriation by the Carnegie school development team pursuant to this section for the purposes authorized by the Carnegie school planning or implementation grants.

This account may also be credited with funds received from any corporation, whether public or private; private individual; or from any government.

No public school shall receive funds through the Carnegie school grant program if, (1) said school is within a city, town, or regional school district in which the share of local expenditures allocated to the support of the public schools has declined since fiscal year nineteen hundred and eighty-six, or (2) any schools receiving Carnegie school grants have received average per pupil support less than that received on average by other schools of the same classification and grade level in the district, or (3) the absolute level of financial support for the public schools in the city, town, or regional school district has decreased. In the case of a school district which fails to meet the aforementioned criteria, the board of education may also consider eligible those schools in which the per pupil educational portion of local expenditures, adjusted for inflation and other externalities, has not decreased in any year since fiscal year nineteen hundred and eighty-six.

**SECTION 9.** Chapter 15A of the General Laws is hereby amended by adding the following two sections:–

Section 20. There is hereby established a professional development

schools grant program. The board shall award grants to exemplary public schools and to cooperating public or private institutions of higher education in the commonwealth to establish collaborative programs for the purpose of fostering improved teacher training and professional development. In order to be eligible for a professional development school grant a school in cooperation with one or more public or private institutions of higher education shall jointly submit a program application which shall include, but not be limited to, a statement of program objectives covering a three year period, a program plan with specific timelines for implementation, and a plan for program evaluation. The program designated in the application must be approved by the faculty of the institution of higher education, the teachers, administrators and other professional staff of the public school, the superintendent of schools and by majority vote of the school committee and school improvement council. The board shall give priority to those programs in which the teacher training and professional development activities will take place in the public school.

Grants awarded under this section, to the extent that said funds are allocated to the public school, shall be deposited with the town, city, or regional district treasurer in a separate account to be expended, without further appropriation, by the school committee for the purposes of the professional development schools grant.

The board may contract with any public institution of higher education or nonprofit corporation, which has the requisite knowledge and experience in teacher training for the purpose of administering the professional development schools grant program.

Section 21. No public school shall receive funds through the professional development schools grant program if, (1) said school is within a city, town, or regional school district in which the share of local expenditures allocated to the support of the public schools has declined in any fiscal year commencing on July first, nineteen hundred and eighty-five, or (2) any schools receiving professional development school grants have received average per pupil support less than that received on average by all other schools of the same classification and grade level in the district, or (3) the absolute level of financial support for the public schools in the city, town, or regional school district has decreased in any year since fiscal year nineteen hundred and eighty-six. In the case of a school district which fails to meet the aforementioned criteria, the board of education shall consider as eligible those schools in which the per pupil educational portion of local expenditures, adjusted for inflation and other factors, has not declined in any year since fiscal year nineteen hundred and eighty-six.

**SECTION 10.** Section 40 of chapter 71 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the first and second sentences and inserting in place thereof the following two sentences:– The compensation of each teacher, except a person in training and except a person employed as a temporary substitute, upon a majority vote of the respective school committee and

the appropriating authority or, in the case of a regional school district, upon acceptance as provided hereafter, shall be at a rate of not less than eighteen thousand dollars or at a rate not less than twenty thousand dollars, as designated by said vote, for the school year commencing after July first, nineteen hundred and eighty-seven. In the case of a regional school district, acceptance shall require the approval of the regional school district committee and two-thirds of the appropriating authorities of the municipalities in such regional school district.

**SECTION 11.** Said section 40 of said chapter 71, as so appearing, is hereby further amended by adding the following paragraph:-

Any city, town, regional school district, educational collaborative or independent vocational school district which currently employs teachers at salaries below eighteen thousand dollars or below twenty thousand dollars and which accepts the minimum salary provisions of this section for school years commencing after July first, nineteen hundred and eighty-seven shall receive a minimum teacher salary grant from the commonwealth in fiscal years nineteen hundred and eighty-eight and nineteen hundred and eighty-nine equal to the cost incurred by such city, town, collaborative or regional school district during said fiscal years as a result of increasing the minimum teacher salary to eighteen thousand dollars or to twenty thousand dollars, as designated by the vote of the school committee and the appropriating authority thereof, for each teacher whose salary was below that level prior to July first, nineteen hundred and eighty-seven.

**SECTION 12.** The board of education shall develop standards for all discretionary grant programs established by this act against which all activities funded through such grant programs may be judged for efficiency and effectiveness. The board, after completing evaluations of all programs funded through this act, shall annually submit the results of said evaluations to the clerk of the house of representatives who shall forward the same to the joint committee on education and the house and senate committee on ways and means.

**SECTION 13.** To provide for the costs of new and existing programs enhancing the teaching profession and recognizing educational achievement and supplementing certain items in the general appropriation act the sum set forth in section fourteen 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 ninety-nine of the acts of nineteen hundred and eighty-seven, for the fiscal year ending June thirtieth, nineteen hundred and eighty-eight or any such period as may be specified, the sums so appropriated to be in addition to any amounts available for the purpose.

**SECTION 14.** Notwithstanding any general or special law to the contrary, the department of education is hereby authorized to transfer from funds allocated to it from item 7061-4050 of section two of

---

ACTS, 1987. - Chap. 727.

chapter three hundred and three of the acts of nineteen hundred and eighty-seven an amount not to exceed fifteen million dollars for the following items:-

- 7010-0005 For the development and administration of a program recognizing educational achievement, pursuant to section fifty-five of chapter fifteen of the General Laws, and for planning, research and assessment, information dissemination and technical assistance to schools and school districts with respect to the granting of awards for educational achievement under said section fifty-five, including not more than ten positions, in addition to amounts already appropriated \$750,000
- 7030-1600 For grants to cities, towns and regional school districts to establish a Carnegie school program for the purpose of encouraging the public schools of the Commonwealth to plan and develop innovative organization and management systems at the school building level. Any payment made under this program shall be deposited with the treasurer of such city, town, regional school district, educational collaborative or independent vocational school and be held in a separate account to be expended by the school committee of such city, town, regional school district or independent vocational school without further appropriation, provided that no more than three hundred thousand dollars shall be allocated for the purpose of technical assistance pursuant to section sixty-four of chapter fifteen of the General Laws, notwithstanding the provisions of any general or special law to the contrary \$1,800.000
- 7030-2000 For grants to cities, towns, regional school districts and educational collaboratives for basic skills remediation programs in which priority is given to students in most-at-risk schools pursuant to section forty-nine A of chapter fifteen of the General Laws in grades one to nine, inclusive, and dropout prevention programs for students in grades seven to twelve, inclusive, pursuant to the provisions of section fifty-two of chapter fifteen of the

---

ACTS, 1987. – Chap. 727.

General Laws in addition to amounts already appropriated \$1,300,000

- 7030-4050 For the establishment of the Lucretia Crocker Foundation Trust fund for the purpose of allowing former or present Lucretia Crocker fellows to provide technical assistance to public schools and participate in professional development activities, pursuant to section fifty-nine of chapter fifteen of the General Laws, and provided that no less than twenty-five thousand dollars be allocated for a publication disseminating information to teachers in the commonwealth \$125,000
- 7030-4060 For the establishment of a grant program to foster improved teacher training and professional development in public schools in cooperation with one or more public or private institutions of higher education; provided however, that any payments made under this appropriation shall be deposited with the treasurer of the appropriate city, town, regional school district, educational collaborative or independent vocational 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 \$485,000
- 7030-5050 For the administration and expenses of an educational measurement auditing council to advise the board in implementing the REACH program, pursuant to section fifty-five A of chapter fifteen of the General Laws, including not more than two positions \$100,000
- 7061-1050 For grants to cities, towns, educational collaboratives, regional school districts and independent vocational schools for the purpose of developing plans for most-at-risk schools and summer programs at most-at-risk schools pursuant to section forty-nine A of chapter fifteen of the General Laws, provided, however, that any such payment shall be deposited with the treasurer of such city, town, regional school district, educational colla-

---

ACTS, 1987. - Chap. 727.

borative 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 \$2,000,000

7061-3000 For minimum salary grants to cities, towns, regional school districts, educational collaboratives and independent vocational schools, to increase to eighteen or twenty thousand dollars the salary of each teacher whose salary was below that level prior to July first, nineteen hundred and eighty-seven, pursuant to section forty of chapter seventy-one of the General Laws; provided, however, that the school committee or appropriating body has, upon majority vote, accepted the provisions of said section forty of said 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; and, provided further, than any such salary grant 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 \$4,000,000

7061-4000 For the school improvement fund to award grants to cities, towns, regional school districts, independent vocational schools and educational collaboratives for distribution to every school building containing any of the grades from kindergarten to twelve, inclusive, pursuant to section fifty-one of chapter fifteen of the General Laws; provided, however, that the amount granted to each such school is equal to the total number of full-time equivalent students in grades kindergarten to twelve, inclusive, in attendance there during fiscal year nineteen hundred and eighty-

---

**ACTS, 1987. – Chap. 728.**

seven multiplied by five dollars; provided, further, that such funds are used for purposes consistent with the intent of said section fifty-one; provided, further that any funds distributed under this item 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; and, provided further, that two hundred and fifty thousand dollars of the amount appropriated herein shall be allocated for the purpose of technical assistance to school improvement councils including but not limited to publication of newsletters, books, pamphlets and other pertinent materials and their distribution to all council members; training of council members through conferences, workshops and media; and research, in addition to amounts already appropriated \$4,440,000

**SECTION 15.** This act shall take effect upon its passage.

Approved January 13, 1988.

---

**Chapter 728. AN ACT PROVIDING INCREASED DISCLOSURE OF MORTGAGE INFORMATION AND TIMELY APPROVAL OF APPLICATIONS.**

Be it enacted, etc., as follows:

Chapter 184 of the General Laws is hereby amended by inserting after section 17C the following section:–

Section 17D. (a) For the purposes of this section, the following words and terms shall have the following meanings:

"Commissioner", the commissioner of banks.

"Date of application", the date upon which a signed mortgage application together with payment of the required application fees are received by the first mortgage lender.

"First mortgage lender", any person, including individuals, corporations, associations, partnerships and trusts engaged in the business of making loans secured by first mortgages to finance the



acquisition or initial construction of a dwelling or to refinance an existing first mortgage loan on residential property located in the commonwealth of four units or less occupied or to be occupied in whole or in part by the mortgagor.

"Mortgage borrower", any applicant(s), either individually or jointly, for a loan to finance the acquisition or initial construction of a dwelling, or for a loan to refinance an existing first mortgage loan by giving to a first mortgage lender an interest in residential property located in the commonwealth of four units or less occupied or to be occupied in whole or in part by the mortgagor.

(b) A first mortgage lender shall provide, upon written or oral request by a prospective mortgage borrower for such information, a good faith estimate, expressed as either a dollar amount or a percentage of the total amount of the prospective loan, of all charges for "settlement services", as that term is defined in 12 of the USC 2602, which the mortgage borrower is likely to incur. Upon request by a prospective mortgage borrower, the first mortgage lender shall also provide any or all of the written materials described in paragraph (c).

(c) Unless previously provided to a prospective mortgage borrower in accordance with paragraph (b), a first mortgage lender shall provide the following information to a prospective mortgage borrower at the same time such lender first provides a first mortgage loan application form to any such borrower:

(1) a uniform one-page worksheet prescribed in regulations promulgated by the commissioner, written in plain and simple language, and including relevant examples, where necessary, which would allow such borrower to calculate easily through simple arithmetic all the charges and fees that such borrower is likely to incur in securing such mortgage from the first mortgage lender. The said worksheet shall commence with the following statement, printed in no smaller than ten-point boldface type: "CLOSING AND SETTLEMENT COSTS MAY VARY AMONG MORTGAGE LENDERS. YOU MAY WISH TO COMPARE THESE CHARGES IN CONSIDERING THE TOTAL COST OF YOUR MORTGAGE".

(2) a copy of the most recent publication, currently entitled "Settlement Costs", available from the United States Secretary of Housing and Urban Development which describes information concerning the nature and costs of real estate settlement services.

(3) in the case of a first mortgage lender offering variable rate residential mortgage loans, not otherwise subject to Administrative Bulletin 13-2C (Revised) of the commissioner and, provided that the prospective mortgage borrower has requested information about or has submitted an application for a variable rate mortgage loan, a copy of the most recent publication available from the Federal Home Loan Bank Board which describes information concerning variable or adjustable rate mortgages, currently entitled "Consumer Handbook on Adjustable Rate Mortgages".

(4) a uniform model disclosure statement prescribed in regulations promulgated by the commissioner, written in plain and simple language,

---

ACTS, 1987. - Chap. 728.

to aid prospective mortgage borrowers in understanding the mortgage application and approval process. The statement shall include, but need not be limited to, descriptions of the time periods generally required for processing of mortgage applications, the notices required by paragraph (d), and by the federal Equal Credit Opportunity Act, and by comparable provisions of the General Laws, and terms and practices common in the commonwealth relative to mortgage lending including, but not limited to, interest rate commitments.

A first mortgage lender may require the mortgage borrower to execute, a signed acknowledgment of the receipt of the information required under the above paragraphs (1) to (4), inclusive as a prerequisite to acceptance of any mortgage application as complete; provided, however, that in any transaction involving more than one applicant, the first mortgage lender need not provide such information to more than one of such applicants.

(d) Not later than twenty-one business days after the date of application for a first mortgage loan, the first mortgage lender shall mail or deliver to a prospective mortgage borrower whose application is not substantially complete, an oral or written statement of all verification information required to make a decision on the said application, together with an indication of which items have been received but are not complete and which items have not been received as of the date of the statement. Such verification information shall be limited only to those items actually required for the approval of the loan application. A first mortgage lender need not provide the statement required hereunder if such lender has either sent the notice required under paragraph (e), or has made a decision on the said application and has communicated the same to the mortgage borrower.

(e) A first mortgage lender shall send written notice to any mortgage borrower whose application, has been determined to be substantially complete, immediately upon the making of such determination. The front page of such notification shall include in boldface capital letters in no smaller than twelve-point type the title "IMPORTANT DISCLOSURE -- PLEASE READ", to be accompanied by the following statement printed in no smaller than ten-point type: "We now consider your mortgage application complete. A third party, such as a purchaser of mortgage loans from us, may require additional information from you in order to process your application. We will contact you right away if we need more information. If not, you will be notified of our decision on your application (which may be to offer a different amount than you applied for) no later than thirty days from the date of this notice, as required by the federal Equal Credit Opportunity Act and comparable provisions of Massachusetts law. For information on how to assert your rights under these laws, consult the informational material provided as part of your application materials".

(f) Failure to comply with the provisions of paragraph (c) or (d) shall constitute an unfair or deceptive act or practice pursuant to the provisions of chapter ninety-three A.

Approved January 13, 1988.

**Chapter 729. AN ACT ESTABLISHING A CHILDREN'S TRUST FUND.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 6 of the General Laws is hereby amended by adding the following two sections:-

Section 202. There is hereby established a child abuse prevention board, hereinafter and in section two hundred and three referred to as the board, which shall be composed of twenty-five members, including the following: the secretary of human services or his designee; the secretary of manpower affairs or his designee, the director of the office for children or his designee, the commissioner of social services or his designee, the commissioner of mental health or his designee, the commissioner of youth services or his designee, the commissioner of education or his designee, the commissioner of public health or his designee, the commissioner of public welfare or his designee, and twelve persons from the private sector, to be appointed by the governor, and consisting of at least one parent, one pediatrician, one child psychiatrist, one early childhood education specialist, one mental health specialist in child abuse, one district attorney, one teacher, one judge, one member of the Massachusetts bar, one criminal justice professional, one social worker from a private child welfare agency and one representative of a private charitable foundation. These individuals shall be appointed based upon their knowledge of and interest in child abuse prevention. In making appointments the governor shall seek to provide diverse geographical representation, and shall assure that each of the commonwealth's six human service regions, established by the executive office of human services, is represented by one of his appointments.

Each appointed member of the board shall serve for a term of three years, provided that of the initial appointees three shall serve for a term of three years, three shall serve for two years, and two shall serve for one year. A vacancy in an unexpired term shall be filled in the same manner as an original appointment. Any member shall be eligible for reappointment.

The governor shall designate a chairman from among one of the appointed members of the board. The board may elect other officers and committees as it deems appropriate.

The board shall employ an executive director, assistant executive director, secretary, and any other staff the board deems necessary in order to carry out the duties and responsibilities assigned to the board. Expenditures for salaries and for other administrative functions shall be approved by the board; provided, however, that such expenditures are within the limitations prescribed by section fifty of chapter ten.

The executive director of the board shall have at least two years of direct service experience in child welfare or child clinical work, and two years of experience in human service administration or policy making. The executive director shall have a master's degree in a related field.

The applicants for the position of executive director shall be screened by a subcommittee of the board, to be comprised of the chairman, the

director of the office for children, and one appointed member. The subcommittee's recommendation for executive director shall be approved by the entire board by majority vote; provided, however, that the executive director shall not be confirmed without the approval of the governor. The executive director shall be accountable to the board at large.

Any member of the board, or its executive director, may be removed by the governor for willful misconduct or neglect of duty, for inability to perform the powers and duties of the board, or for improprieties under law.

Section 203. The board shall meet at least four times annually. On or before March fifteenth of every year the board shall file a report with the governor and the house and senate committees on ways and means detailing the recipients and amounts of grants awarded by the board in the preceding calendar year.

The board shall have, but shall not be limited to, the following powers and duties:

(1) to contract with public or private non-profit organizations, agencies, schools, or qualified individuals, or to issue grants to cities, towns, or their political subdivisions, for the purpose of establishing community-based educational and service programs designed to reduce the occurrence of child abuse and neglect; provided, however, that (a) each contract or grant entered into by the board shall contain an evaluation provision; (b) contracts or grants may be awarded to existing programs as well as demonstration projects; and (c) the continuation of contracts or grants shall be based upon goal attainment;

(2) to facilitate the exchange of information between groups concerned with families and children and with child maltreatment;

(3) to consult with and to state departments, agencies, commissions and boards to help determine the probable effectiveness, fiscal soundness, and need for proposed educational and service programs for the prevention of child abuse and neglect;

(4) to take appropriate measures to notify parties of the provisions and intent of legislation regarding the child abuse prevention board and the Child Abuse Prevention Fund;

(5) to maintain files, records and reports which shall be retained and made available in accordance with law;

(6) to implement and continually develop the priority areas and recommendations identified in the Massachusetts Blueprint for a Comprehensive Approach to Strengthening Families and Preventing Child Abuse, jointly put forth by the special commission on violence against children and the executive office of human services;

(7) to promote academic research on the efficacy and cost effectiveness of child abuse prevention initiatives;

(8) to issue state of the family annual reports, on the trends and developments affecting the incidence of child maltreatment;

(9) to establish, by a majority vote of its membership, procedures, guidelines, rules and regulations; provided, however, that these policies take into consideration such factors as need, geographic distribution,

---

**ACTS, 1987. – Chap. 730.**

capacity to coordinate with existing services, and such other factors as the board deems relevant. Such guidelines shall provide, including without limitation, that no state, executive, legislative or judicial agency funded in whole or in part by the commonwealth shall be eligible to receive any such grants, with the exception of the local councils of the office for children. The awarding of any grant shall be by a majority vote of the membership.

**SECTION 2.** Chapter 10 of the General Laws is hereby amended by adding the following section:–

Section 50. There shall be established upon the books of the commonwealth a separate fund to be known as the Child Abuse Prevention Fund, which shall be subject to appropriation and shall consist of revenues received from (1) state appropriations; (2) gifts, grants, and donations from public or private sources; (3) interest earned from the Child abuse prevention fund reserve account; (4) federal reimbursements, grants-in-aid, or other receipts on account of prevention activities; and (5) any other monies credited or transferred to the Child Abuse Prevention Fund from any other fund or source pursuant to law.

The state treasurer shall receive, deposit, and invest all monies transmitted to him under the provisions of this section in such manner that will insure the highest interest rate available consistent with safety of the fund.

The fund shall be administered by the state treasurer, subject to appropriation, in the following manner: up to ten per cent of funds deposited annually shall be allocated for the administration of the child abuse prevention board, established in section two hundred and two of chapter six, with the extent of the allocation to be determined by the board, and up to seventy per cent of the remaining annual deposits shall be allocated to the board for disbursement to preventive programs and initiatives. The remaining funds shall be used by the state treasurer for investment purposes in accordance with the provisions of this section. The earnings realized from these funds shall be allocated annually to the board.

The books and records of the fund shall be subject to an annual audit by the state auditor.

Approved January 13, 1988.

---

**Chapter 730. AN ACT RELATIVE TO REIMBURSABLE EXPENDITURES FOR REGIONAL SCHOOL DISTRICTS.**

Be it enacted, etc., as follows:

Section 16D of chapter 71 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding after subsection (c) the following subsection:–

(d) In the event that the member communities of a proposed regional

school district should vote on or before July first of any year to establish a regional school district on or before September fifteenth of that same calendar year, then such regional school district shall be entitled to receive, subject to appropriation, on or before November twentieth of that same calendar year, twenty-five per cent of an amount of regional school aid computed in accordance with the provisions of this section. For purposes of this paragraph, regional reimbursable expenditures shall mean the total amount expended by the member communities for the support of public school students who will be served by the newly established regional school district, during the fiscal year in which the member communities voted to establish the regional school district, minus the exclusions currently provided for in this section.

In the event that all of the member communities of a partial regional school district should vote on or before July first of any year to amend their regional school district agreement to allow for expansion into a full kindergarten through twelve regional school district on or before September fifteenth of that same calendar year, then such expanded regional school district shall be entitled to receive, subject to appropriation, on or before November twentieth of that same calendar year, twenty-five per cent of an amount of regional school aid calculated upon the basis of an existing kindergarten through twelve regional school district. The regional school aid shall be computed in accordance with the provisions of this section. For purposes of this paragraph, regional reimbursable expenditures shall mean the total amount expended by the partial regional school district and the member communities for the support of their public schools during the fiscal year in which expansion is voted, minus the exclusions currently provided for in this section.

Approved January 13, 1988.

---

## **Chapter 731. AN ACT TO IMPROVE VOCATIONAL EDUCATION.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 74 of the General Laws is hereby amended by striking out sections 1 to 6, inclusive, as appearing in the 1986 Official Edition, and inserting in place thereof the following nine sections:-

Section 1. The following words, as used in this chapter, shall have the following meanings unless the context otherwise requires:

"Commissioner", the commissioner of education.

"Approved", the approval of specific vocational-technical programs by the commissioner of education, acting through the division of occupational education, following investigation and determining the appropriateness of programs as to organization, control, location, equipment, courses of study, qualifications of teachers, methods of instruction, conditions of admissions of student, employment of students and expenditures.

"State board", the board of education.

"Forms of vocational-technical education", the classification of vocational-technical educational programs which lead employment or continuing preparation for employment associated with agriculture, allied health, automotive, construction, marketing, service occupations, industrial-manufacturing programs and technical programs.

"Agricultural programs", the preparation of students for occupations connected with agriculture, the care of domestic animals, forestry and other wage earning or productive work on farm land. The term agricultural supplies, horticulture and agricultural and natural resources.

"Allied health programs", the preparation of students for occupations connected with health, to include direct and indirect care of patients and other wage earning or productive work within the health care area and related services.

"Automotive programs", the preparation of mechanics and technicians for any type of engine-powered vehicle.

"Construction programs", the preparation of students for occupations in the areas of carpentry, plumbing, painting, electricity, heating, ventilation and air conditioning and other areas of construction.

"Marketing education programs", the development of competent workers engaged in marketing, sales and such administrative supporting functions as buying, receiving, storing, shipping, promoting, financing, market research, and management. These activities are found in such areas as retail and wholesale trade, banking, and finance, insurance, real estate, service trades, manufacturing, utilities and communications. Such phrase shall not include the following occupations: stenographer, secretary, typist nor industrial workers in transportation activities.

"Industrial-manufacturing programs", the development of workers for occupations involving the manufacturing or fabrication of products in either heavy or light industry.

"Technology programs", the preparation of students for occupations or further education in such areas as: electronics, drafting, computers, electromechanical.

"Service programs", the preparation of students in the occupational areas of hotel and lodging, cosmetology, child care.

"Part time class", towns, cities, regional and county school districts and independent schools may operate part-time and evening vocational-technical classes approved by the commissioner under the state board.

"Cooperative education", a program of vocational-technical education for persons who, through a cooperative arrangement between the school and employers, receive instruction, including required academic courses and related vocational-technical instruction, by the alternation of study in school with a job in any occupational field. Such instruction shall be planned and supervised by the school and the employer so that each contributes to the student's education and employability. Work periods and school attendance may be on alternate half-days, full days, weeks or other coordinated periods of time.

"Articulation", is the educational process whereby curricular

interaction occurs across grade levels and links programs between educational levels.

Horizontal articulation provides the curricular process which serves to strengthen a student's mastery of interacting concepts and skills across all academic and educational levels.

Vertical articulation provides the curricular vehicle which allows a student to progress by competencies from a vocational-technical program at one educational level to the same program area at a higher educational level, for example, between secondary and postsecondary education.

Section 2. The commissioner, under the direction of the state board, shall investigate and promote vocational-technical schools, and initiate and superintend the establishment of schools for the aforesaid form of education and shall supervise and approve such schools as provided in sections one to thirty-seven, inclusive.

The commissioner, under the direction of the state board, shall approve or disapprove vocational-technical programs in accordance with regulations published by the state board; provided, however, that approval shall not be granted to a vocational-technical program that includes less than fifty per cent of school time devoted to vocational-technical study, except as provided in section thirteen.

Section 2A. The commissioner shall establish rules and regulations to promote the employment of vocational-technical students during their studies by the city or town in which said students attend school, or in the case of a regional or county agricultural school district, the cities and towns comprising said district. Students shall not be permitted to perform work on projects which are outside such city or town unless said projects have exceptional value as determined by the commissioner.

Section 3. Towns may, through school committees or boards of trustees elected for not more than five years, and known as local trustees for vocational-technical education, establish and maintain independent or vocational-technical schools.

Section 4. Independent vocational-technical schools may be established and maintained by districts composed of two or more towns, through boards to be known as district trustees for vocational-technical education, consisting either of the chairman and two other members of the school committees of each town, to be appointed by such committees, or of three residents of each, to be elected by the town.

Section 5. District trustees under the preceding section shall adopt, for one year or more, plans or organization, administration and support of such schools, which shall be binding on the towns made parties thereto, and shall not be altered or annulled except by two-thirds votes of such trustees, with the consent of the commissioner under the direction of the state board.

Section 5A. Independent vocational-technical schools may be established under sections fourteen and fifteen of chapter seventy-one, if the agreement for the establishment of the regional school district, either as originally adopted or as subsequently amended, so provides, and for that purpose the regional district school committee shall have the



powers and perform the duties conferred or imposed by law upon local trustees for vocational-technical education, and may be known as a board of regional school district trustees for vocational-technical education.

Section 5B. Regional school districts or cities and towns which are not members of vocational-technical regional school districts, may through educational collaboratives formed under the provisions of section four E of chapter forty, conduct vocational-technical education programs approved under the provision of this chapter.

Section 6. Each school district, county agricultural school, collaborative or municipality operating an approved vocational-technical program shall, under a plan approved by the commissioner under the direction of the state board, appoint advisory committees composed of representatives of local business and industry related to the program, organized labor, parents and students, which shall consult with and advise the trustees and other school officials managing and supervising such schools.

**SECTION 2.** Said chapter 74, as so appearing, is hereby further amended by striking out sections 7A and 7B, as so appearing, and inserting in place thereof the following two sections:-

Section 7A. For the tuition in an approved vocational-technical program of any regional or county agricultural school district, city, town, independent school or collaborative of any pupil placed in such school by the department of social services, the commonwealth or the city of Boston, as the case may be, shall pay to said school the tuition fee established by the commissioner under the direction of the state board.

Section 7B. An apprentice, as defined in section eleven H of chapter twenty-three shall, upon the concurrence of the commissioner of labor and industries, be approved by the commissioner under the direction of the state board for related vocational-technical training in any city, town, regional district or independent school, regardless of residential qualification. Related classes for an approved apprenticeship program shall be conducted in a single school system, unless the commissioner, in agreement with the commissioner of labor and industries, determines that it would be in the best interest of said program to conduct such classes in more than one such school system.

**SECTION 2A.** Section 8 of chapter 74 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

Tuition shall be paid in two equal installments in each school year of attendance, one in January and one in June, or on a pro-rated monthly basis if a nonresident student fails to apply for his first year of admission on or before April first of the preceding school year. The commissioner may direct that the resident community's tuition payment for said first year be paid in full in July of the fiscal year after the student completes his first year of nonresident attendance including penalties that commissioner may determine.

**SECTION 3.** Section 14B of said chapter 74, as appearing in the 1986 Official Edition, is hereby amended by striking out the first two sentences and inserting in place thereof the following two sentences:– In any city or town which accepts the provisions of this section, any income received in a fiscal year not exceeding, in the aggregate, fifteen thousand dollars derived from the purchase and sale of products produced in the culinary arts subject area of the home economics program, or any other vocational-technical program conducted in any public vocational-technical high school shall be deposited in a special fund by the school committee in any banking institution in the commonwealth. Expenditures may be made from said fund by the school committee for purposes needed for the culinary arts subject area or in the case of a fund established for any other program, such funds may be expended for the purposes of such program area without further appropriation, notwithstanding the provisions of section fifty-three of chapter forty-four; provided, however, that said special funds shall not be used to pay the salary of any employee, and in any fiscal year no more than five thousand dollars from said funds shall be used in the purchase of equipment.

**SECTION 4.** Said chapter 74 is hereby further amended by striking out section 17, as so appearing, and inserting in place thereof the following section:–

Section 17. Boards or officers having power to take land for school purposes in cities may take, by eminent domain under chapter seventy-nine, land therein not already appropriated to public use, or lease or purchase land either within or without the city limits, for the purpose of section fifteen. A school committee may erect suitable building on land so acquired, and provide, on terms not involving loss to the city, for the use of plots of ground and for the temporary housing of pupils complying with its regulations and not having access to other land suitable for proper instruction.

**SECTION 4A.** Chapter 74 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. The state board shall establish basic competency-based vocational-technical teacher training standards which shall serve as the fundamental, pedagogical requirements for beginning vocational-technical instructors. The board shall further require that all persons seeking to meet the board's requirements shall have successfully passed performance and written tests in areas as determined by the board and shall have successfully completed an approved seminar on teaching skills and methods.

The commissioner under the direction of the state board shall encourage the establishment of a two year certificate program and a four year preservice program for the preparation of vocational-technical teachers. Said board shall promulgate regulations governing the administration of the vocational-technical education program and the

establishment of criteria for the inclusion of the basic and two year programs.

**SECTION 5.** Said chapter 74 is hereby further amended by striking out sections 20 to 22, inclusive, as so appearing, and inserting in place thereof the following four sections:-

Section 20. The state treasurer shall be the custodian of federal funds allocated to the commonwealth for vocational-technical education. The funds so allocated from the federal government shall be expended with specific appropriation under the direction of the state board.

Section 21. Subject to section twenty, the funds received under the act of Congress may be paid out, on requisition of the state board, as reimbursement for expenses already incurred, to approved schools.

Section 21A. Schools which offer approved chapter seventy-four full time programs shall, subject to appropriation, receive state vocational-technical aid from this section and chapter seventy of the General Laws equal to no less than thirty-five per cent of their annual expenditure for the year two years previous. Such state vocational-technical aid from this section and excluding only the following: (a) capital costs covered by a bond issue, (b) expenditures made from state, federal and private grants or charities, (c) transportation costs which shall be reimbursed separately, (d) school lunch and breakfast costs.

In the case of regional school districts, aid from this section shall be required to reduce assessment and tuition costs to cities and towns in the following fiscal year. The commissioner under direction of the state board may compute an adjusted payment of state vocational-technical aid for any regional or county district, city, town or independent school that undergoes reorganization and applies for adjusted aid under guidelines developed by the state board.

Section 22. The state board may use the funds received under the act of Congress mentioned in section twenty as supplementary to state aid for salaries of teachers of vocational-technical subjects in schools complying therewith. It may also use such funds (1), for salaries of teachers giving types of training selected by it as especially needing stimulus; or (2), for competency-base programs for the pedagogical preparation of teachers of vocations selected by it; or (3), to arrange with schools and colleges to give the training to teachers of vocations under its supervision; or (4), to enable local school authorities to conduct, under its supervision, inservice training of vocational-technical teachers; or (5), for travel as provided for under said act of Congress. Such payments shall be subject to conditions prescribed by said board.

**SECTION 5A.** Chapter 74 of the General Laws is hereby amended by striking out section 22D, as so appearing, and inserting in place thereof the following section:-

Section 22D. Said state board is hereby directed to cooperate with the veterans administration in carrying out the provisions of federal laws and regulations relating to the rehabilitation of disabled veterans; to

establish and maintain classes or courses for training as it is deemed advisable and necessary for the education, training and rehabilitation of disabled veterans and other veterans; to establish and maintain, or to assist in establishing or maintaining, with the consent of the commissioner of administration and finance, and with the approval of the governor, training facilities within the various institutions and departments of the federal government and of the commonwealth or any political subdivision thereof, located within the commonwealth; to cooperate with the veterans administration in the selection of the number of trainees to be placed in training, or otherwise to carry out the provisions of said federal laws and regulations.

**SECTION 6.** Said chapter 74 is hereby further amended by striking out section 24, as so appearing, and inserting in place thereof the following section:-

Section 24. Smith Agricultural School, established under chapter one hundred and fifty-one of the Special Acts of nineteen hundred and eighteen, shall be maintained by the city of Northampton as a state-aided approved vocational-technical school under and subject to sections one to twenty-two, inclusive; provided, however, that the superintendents of said school shall consist of the mayor and superintendent of schools of said city, ex officio, and three other superintendents to be elected at its city election by ballot, as provided in the will of Oliver Smith, and that said superintendents shall have the powers of local trustees elected under section three. Upon the death or resignation of an elected superintendent of said school his successor shall be chosen by the city council and the remaining superintendents in joint convention, who shall serve until the next city election.

**SECTION 6A.** Chapter 74 of the General Laws is hereby amended by inserting after section 24A, as so appearing, the following section:-

Section 24B. The state board and the board of regents shall encourage the coordination of programs between public secondary vocational-technical school districts and public institutions of higher education. Said boards shall establish policies and procedures for the standardization of articulation agreements between the aforementioned institutions and that said boards shall meet annually to review the implementation of such policies and procedures.

**SECTION 7.** The department of education is hereby authorized and directed to expend a sum, not to exceed fifteen million dollars, for a vocational-technical equipment modernization grant program to assist cities, towns, and regional school districts, educational collaborative and independent vocational-technical schools in the purchase of equipment for use in programs in high occupational demand provided, however, that no grants shall be awarded pursuant to this authorization until after completion of the study required by section twelve. Said grants shall be awarded by the department to cities, towns, regional school districts, educational collaboratives and independent vocational-technical schools

on the basis of a competitive evaluation of proposals for such grants submitted on behalf of the approved chapter seventy-four program of the city, town, regional school district, educational collaborative or independent vocational-technical school. The department shall issue an invitation for proposals for such grants, which invitation shall include a description of the standards by which proposals are to be evaluated.

**SECTION 8.** The state board of education is hereby authorized to establish, subject to appropriation, the commonwealth vocational-technical learning and teaching institute. The institute shall provide inservice training to supervisory and instructional personnel in vocational-technical programs as determined by the board. The institute may also establish a program in conjunction with the board of regents to provide research and development, leadership development, including forums, workshops, seminars and conferences for the purpose of developing methods to improve vocational-technical education.

**SECTION 9.** There is hereby established a technology scholar advisory council consisting of nine members to be appointed by the governor equally from among persons representing public vocational-technical schools, higher education institutions with technology programs, and business and industry. Members of said council shall serve without compensation.

**SECTION 10.** There is hereby established the Technology Scholar Trust Fund for the purpose of providing grants to high school seniors enrolled in vocational-technical programs who are planning to attend an institution of higher education within the commonwealth in pursuit of further studies in a high demand technology program. Said Technology Scholar Trust Fund shall be credited funds contributed by any corporation, whether public or private; provided, however, that the commonwealth shall contribute twenty-five thousand dollars to said Fund for the purpose of awarding each qualified student as a technology scholar with a grant of up to one thousand dollars. Upon receipt, such funds shall be deposited in the state treasury and credited to said Fund and may be expended for the purpose of this section after consultation with the technology scholar advisory council established under section ten. The board of education shall nominate as technology scholars public vocational-technical high school students from each school district in consultation with the technology scholar advisory council.

**SECTION 11.** The department of education is hereby authorized and directed to conduct a study to develop a long range strategy plan for vocational-technical curriculum and program planning to prepare vocational-technical students for the changing demands in the workforce in the commonwealth. The study shall include an analysis and review of the current vocational-technical programs offered in the commonwealth and shall determine the need, if any, for the establishment of post

---

**ACTS, 1987. – Chap. 732.**

secondary vocational-technical programs in addition to those offered at the community college level.

**SECTION 12.** 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 seven 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-two. 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, and shall be payable from the Local Aid Fund.

**SECTION 13.** To meet the expenditures necessary in carrying out the provisions of section seven, the state treasurer shall, upon request of the governor, 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 ten million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Vocational Education Equipment Loan Act of 1987, 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, two thousand and two. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provisions of this act, be payable from the Local Aid Fund.

**SECTION 14.** Item 7503-8841 in section 2B of chapter 723 of the acts of 1983 is hereby amended by adding to the word "equipment" at the end of the paragraph the following words:– for the new building and for the provision of furnishings and equipment to upgrade existing programs and, also, for the repair and renovation of existing buildings to improve utilization and services.

Approved January 13, 1988.

---

**Chapter 732. AN ACT REPEALING FINANCIAL DISCLOSURE BY PUBLIC OFFICIALS AND PUBLIC EMPLOYEES IN THE CITY OF MARLBOROUGH.**

Be it enacted, etc., as follows:

---

**ACTS, 1987. – Chaps. 733, 734.**

Chapter one hundred and two of the acts of nineteen hundred and eighty-three is hereby repealed.

Approved January 13, 1988.

---

**Chapter 733. AN ACT PROHIBITING CERTAIN PRACTICES BY CLINICAL LABORATORIES.**

Be it enacted, etc., as follows:

Section 8 of said chapter 111D, as so appearing, is hereby amended by adding the following two subsections:-

(15) engage in any misrepresentation or false advertising of the nature, quality or cost of such services or of the terms and condition on which such services are provided.

(16) enter into any agreement or act in concert with any purchaser of or third party payor for laboratory services to commit any act which would be deemed to be a violation of section three of chapter one hundred and seventy-six D; provided further that for purposes of this subsection, all purchasers and third party payors entering into arrangements with clinical laboratories shall be deemed to be engaged in the business of insurance.

Approved January 13, 1988.

---

**Chapter 734. AN ACT FURTHER REGULATING THE LICENSING OF PSYCHOLOGISTS.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 13 of the General Laws is hereby amended by striking out sections 76 to 79, inclusive, as appearing in the 1986 Official Edition, and inserting in place thereof the following four sections:-

Section 76. There shall be a board of registration of psychologists which shall consist of nine members to be appointed by the governor. Members of the board shall be residents of the commonwealth and citizens of the United States. Seven members of the board shall be licensed psychologists under the provisions of sections one hundred and eighteen to one hundred and twenty-nine A, inclusive, of chapter one hundred and twelve and shall have been actively engaged in the practice or teaching of psychology or in psychological research for the five years next preceding their appointment. At least four members of said board shall be certified as health service providers by the board under the provisions of sections one hundred and eighteen to one hundred and twenty-seven, inclusive, of said chapter one hundred and twelve. Two

members of said board shall be selected from and shall represent the general public.

Section 77. Upon the expiration of the term of a member, his successor shall be appointed for a term of five years. No member of the board who has served a full five year term shall be reappointed to succeed himself.

Section 78. The governor shall have the power to remove from office any member of the board for cause; but no board member may be so removed without being informed in writing at least thirty days in advance of the reasons for his removal and of his right to a public or private hearing with counsel.

Section 79. The board shall, at its first meeting, and at each annual meeting thereafter, organize by electing from among its members a chairman, a vice-chairman and a secretary. Such officers shall serve until their successors are elected and qualified.

The board shall hold at least two regular meetings each year; but additional meetings may be held upon call of the chairman or the secretary, or at the written request of any three members of the board. Five members of the board shall constitute a quorum.

The board shall examine and pass upon the qualifications of applicants for licenses to practice psychology in the commonwealth and shall issue licenses to qualified applicants, but no action shall be taken with respect to the granting of a license or its revocation or suspension without the concurrence of at least five members of the board. The board shall issue certifications as health service providers to qualified applicants. The board shall adopt a seal which shall be affixed to all licenses issued by the board.

The board, in consultation with the secretary of consumer affairs and business regulations, shall from time to time promulgate such rules and regulations and such amendments thereof and supplements thereto as it may deem necessary.

The members of the board shall serve without compensation but each member shall be reimbursed for actual expenses reasonably incurred in the performance of his duties as a member on behalf of the board. The board shall be empowered to hire such assistants as it may deem necessary to carry on its activities.

The board may also appoint psychologists, subject to the approval of the secretary of consumer affairs and business regulations, who meet the qualifications for appointment to the board, to assist it in administering the examination required by section one hundred and twenty of chapter one hundred and twelve. Said assistance shall be provided under the supervision of a board member.

**SECTION 2.** Chapter 112 of the General Laws is hereby amended by striking out sections 118 to 129, inclusive, as so appearing, and inserting in place thereof the following thirteen sections:-

Section 118. As used in sections one hundred and eighteen to one hundred and twenty-nine A, inclusive, the following words, unless the context clearly indicates otherwise, shall have the following meanings:



"Board", the board of registration of psychologists.

"Doctoral degree in psychology", a doctoral degree from a recognized educational institution from a program in psychology as defined by the rules and regulations of the board.

"Health service", the delivery of direct, preventive, assessment and therapeutic intervention services to individuals whose growth, adjustment, or functioning is actually impaired or may be at risk of impairment.

"Health service training program", supervised experience at a site where health services in psychology are normally provided which is part of an organized integrated training program as defined by the rules and regulations of the board.

"Psychologist", an individual who by training and experience meets the requirements for licensing by the board and is duly licensed to practice psychology in the commonwealth.

"Recognized educational institution", a degree-granting college or university which is accredited by a Regional Board or Association of Institutions of higher education approved by the Council on Post Secondary Education of the United States Department of Education, or which is chartered to grant doctoral degrees by the commonwealth. Such institutional accreditation shall exist at the time that the doctoral degree is granted or within two years thereafter.

"Supervised health service experience", training at a site where health services in psychology are normally provided, with which the applicant has a formal relationship, and where the applicant is supervised at least one hour for every sixteen hours of training, at least half of which is provided by a psychologist licensed by the board who is a member of the staff of the training site. At least twenty-five per cent of the applicant's time shall be in direct client contact.

"The practice of psychology", rendering or offering to render professional service for any fee, monetary or otherwise, to individuals, groups of individuals, organizations or members of the public which includes the observation, description, evaluation, interpretation, and modification of human behavior, by the application of psychological principles, methods and procedures, for the purpose of assessing or effecting changes in symptomatic, maladaptive or undesired behavior and issues pertaining to interpersonal relationships, work and life adjustment, personal effectiveness and mental health. The practice of psychology includes, but is not limited to, psychological testing, assessment and evaluation of intelligence, personality, abilities, attitudes, motivation, interests and aptitudes; counseling, psychotherapy, hypnosis, biofeedback training and behavior therapy; diagnosis and treatment of mental and emotional disorder or disability, alcoholism and substance abuse, and the psychological aspects of physical illness or disability; psychoeducational evaluation, therapy, remediation and consultation. Psychological services may be rendered to individuals, families, groups, and the public. For purposes of this definition, the practice of psychology does not include the teaching of psychology, the conduct of psychological research, or the provision of psychological

consultation to organizations, unless such teaching research or consultation involves the delivery or supervision of the types of direct services described above, to individuals or groups of individuals.

Section 119. Each person desiring to obtain a license as a psychologist shall make application to the board upon such form and in such manner as the board shall prescribe and shall furnish evidence satisfactory to the board that such person:

- (a) is of good moral character;
- (b) has received a doctoral degree in psychology from a recognized educational institution;
- (c) has engaged for the equivalent of at least two years full time, at least one year of which was subsequent to his receiving the doctoral degree, in psychological employment, teaching, research or professional practice under the supervision of or in collaboration with a licensed psychologist, or one clearly eligible for licensure in the opinion of the board; and

(d) conducts his professional activities in accordance with accepted standards such as the Ethical Standards of Psychologists of the American Psychological Association.

Section 120. Upon satisfaction of requirements specified in section one hundred and nineteen, the applicant shall pass an examination administered by the board. Examinations shall be conducted at least once a year at a time and place to be designated by the board. Examinations shall be written, oral or both as the board deems advisable. An applicant shall be held to have passed an examination upon the affirmative vote of at least five members of the board. Any person who shall have failed an examination conducted by the board may not be admitted to a subsequent examination for a period of at least six months.

Any licensed psychologist who independently provides or offers to provide to the public, health services, shall be certified as a health service provider by the board. The board shall certify as a health service provider applicants who shall demonstrate that they have at least two years full time of supervised health service experience, of which at least one year is post doctoral and at least one year of which is in a health service training program.

Section 121. Notwithstanding the provisions of section one hundred and twenty, the board may issue a license without examination to an applicant who presents evidence that he has been licensed or certified as a psychologist by a similar board of another jurisdiction whose standards, in the opinion of the board, are not lower than those required in the commonwealth; or that he holds a diploma from a nationally recognized board or agency approved by the board.

Section 122. Any person not licensed to practice psychology who holds himself out to be a psychologist or who uses the title "psychologist" or engages in the practice of psychology in a manner that implies or would reasonably be deemed to imply that he is so licensed shall be punished by a fine of not more than five hundred dollars, or by imprisonment of not more than three months, or both such fine and imprisonment.

Section 123. The penalties in section one hundred and twenty-two shall not apply to:

(a) the salaried employment of individuals in recognized educational institutions, federal, state, county or local government institutions, nonprofit community agencies or research facilities while performing those duties for which they are employed by such institutions, agencies or facilities;

(b) the salaried employment of individuals certified as school psychologists by the department of education when functioning within the scope of their employment by a private or public school system;

(c) the salaried employment of individuals in corporations, partnerships, associations, or for persons, providing psychological services for remuneration while performing those duties for which they are employed by such organizations or persons, under the supervision of a licensed psychologist;

(d) persons eligible for licensure under section one hundred and nineteen who are full time employees of a recognized educational institution or a nonprofit research facility who are solicited for consultation of a research nature;

(e) persons eligible for licensure under section one hundred and nineteen who provide consultative services for a fee no more than one day a month; or

(f) students of psychology, psychological interns or persons preparing for the practice of psychology under qualified supervision in a recognized training institution or facility; provided, however, that they are designated by such titles as "psychological intern", "psychological trainee" or others clearly indicating such training status.

Section 124. The board may grant a temporary license for a period not to exceed one year to a psychologist with legal residence outside the commonwealth to practice within the commonwealth provided he registers with the board and practices in consultation with, or under the supervision of, a licensed psychologist or possesses qualifications acceptable to the board.

Section 125. Nothing in sections one hundred and eighteen to one hundred and twenty-nine A, inclusive, shall be construed to prevent qualified members of other professions or occupations such as physicians, teachers, members of the clergy, authorized Christian Science practitioners, attorneys-at-law, social workers, guidance counselors, clinical counselors, adjustment counselors, speech pathologists, audiologists or rehabilitation counselors from doing work of a psychological nature consistent with the accepted standards of their respective professions, provided, however, that they do not hold themselves out to the public by any title or description stating or implying that they are psychologists or are licensed to practice psychology.

Nothing in sections one hundred and eighteen to one hundred and twenty-nine A, inclusive, shall be construed to prevent school psychologists certified by the department of education from practicing and functioning within the scope of their employment in public or private

schools or performing as certified school psychologists at any time in private practice or the public sector; provided, however, that they use the title Certified School Psychologists.

Section 126. The following fees shall be determined annually by the commissioner of administration under the provision of section three B of chapter seven and shall be collected by the board: (a) application fee; (b) initial license fee; (c) temporary license fee; and (d) biennial renewal fee.

Section 127. Licenses shall be valid for two years and shall be renewed biennially. On or before April fifteenth every two years the secretary of the board shall forward to each licensed psychologist an application form for renewal. Upon the receipt of the completed form and the renewal fee on or before June first, the secretary shall renew the license for two years commencing July first. Any application for renewal of a license which has expired shall require the payment of a new application fee. Pursuant to the renewal, the applicant shall present to the board documented evidence of the completion of twenty hours of continuing education programs designed to improve the professional competence of the licensee. Such programs shall be completed during the licensed period immediately prior to renewal. In order to qualify, a program shall be approved by the American Psychological Association or such other accreditation program that the board may designate as appropriate.

Section 128. The board shall investigate all complaints relating to the proper practice of psychology by any person licensed under sections one hundred and eighteen to one hundred and twenty-nine A, inclusive.

The board may, after a hearing in accordance with the provisions of chapter thirty A, revoke, suspend or cancel the license, or reprimand, censure or otherwise discipline a psychologist licensed under said sections one hundred and eighteen to one hundred and twenty-nine A, inclusive, upon proof satisfactory to a majority of the board that said psychologist:

(a) fraudulently procured said license;

(b) is guilty of an offense against any provision of the laws of the commonwealth relating to the practice of psychology or any rule or regulation adopted thereunder;

(c) is guilty of conduct that places into question the psychologist's competence to practice psychology, including but not limited to gross misconduct in the practice of psychology or of practicing psychology 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 psychology while the ability to practice was impaired by alcohol, drugs, physical disability or mental instability;

(e) is guilty of being habitually drunk or being or having been within a reasonable period of time addicted to, dependent on, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects;

(f) is guilty of knowingly permitting, aiding or abetting an unlicensed individual to perform activities requiring a license for purposes of fraud,

deception or personal gain, excluding activities permissible under any provision of laws of the commonwealth or rules or regulations of the board;

(g) has been convicted of a criminal offense which reasonably calls into question his ability to practice psychology; or

(h) is guilty of violating any rule or regulation of the board governing the practice of psychology.

The board shall, after proper notice and hearing, adopt rules and regulations governing the practice of psychology in order to promote the public health, welfare, and safety and to implement the provisions of this section.

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 and assistance; provided, however, that the person making the complaint or reporting or providing said information or assistance does so in good faith and without malice.

If the psychologist is found not to have violated any of the provisions set forth in this section, the board shall forthwith order a dismissal of the charges.

Notice in writing of a contemplated revocation or suspension of a license, or the cause therefor in sufficient particularity, and of the date of hearing thereon, shall be sent by registered or certified mail to the licensee at his last known address at least fifteen days before the date of such hearing. The psychologist against whom a charge is filed shall have a right to appear before the board in person or by counsel, or both, may produce witnesses and evidence on his behalf, and may question witnesses. No license shall be revoked or suspended without such hearing, but the nonappearance of the licensee, after notice, shall not prevent such hearing. All matters upon which the decision is based shall be introduced in evidence at the proceeding. The licensee shall be notified in writing of the board's decision. The board may make such rules and regulations as it deems proper for the filing of charges and the conduct of hearings.

After issuing an order of revocation or suspension the board may also file a petition in equity in the superior court in a county in which the respondent resides or transacts business, or in Suffolk county, to ensure appropriate injunctive relief to expedite and secure the enforcement of its order, pending the final determination.

Any decision the board makes pursuant to this section shall be subject to review in superior court in accordance with the provisions of chapter thirty A.

Section 129. After three years from the date of revocation, an application for reinstatement may be made to the board, which may, upon the affirmative vote of at least five of its members, grant such reinstatement.

Section 129A. All communications between a licensed psychologist and the individuals with whom the psychologist engages in the practice

of psychology are confidential. At the initiation of the professional relationship the psychologist shall inform the client of the following limitations to the confidentiality of their communications. No psychologist, colleague, agent or employee of any psychologist, whether professional, clerical, academic or therapeutic, shall disclose any information acquired or revealed in the course of or in connection with the performance of the psychologist's professional services, including the fact, circumstances, findings or records of such services, except under the following circumstances:

(a) pursuant to the provisions of section twenty B of chapter two hundred and thirty-three or any other law,

(b) upon express, written consent of the client or patient,

(c) upon the need to disclose information which protects the rights and safety of others if: (1) the client presents a clear and present danger to himself and refuses explicitly or by his behavior to voluntarily accept further appropriate treatment. In such circumstances, where the psychologist has a reasonable basis to believe that a patient can be committed to a hospital pursuant to chapter one hundred and twenty-three, he shall have a duty to seek said commitment. The psychologist may also contact members of the client's family or other individuals if in the psychologist's opinion, it would assist in protecting the safety of the client; or (2) the client has communicated to the psychologist an actual threat of physical violence against a clearly identified or reasonably identifiable victim or victims. In such circumstances, the psychologist shall have a duty to warn or take reasonable precautions to provide protection from violent behavior. This duty shall be discharged by the psychologist if he takes one or more of the following actions: (i) makes reasonable efforts to communicate the threat to the victim or victims; (ii) seeks civil commitment of the patient pursuant to section twelve of said chapter one hundred and twenty-three; (iii) makes reasonable efforts to notify an appropriate police department or other law enforcement agency; or (3) where the client has a history of physical violence which is known to the psychologist and where the psychologist has a reasonable basis to believe that there is a clear and present danger of physical violence against a clearly identified or reasonably identified victim or victims. In such circumstances the psychologist shall have a duty to warn or take reasonable precautions to provide protection from violent behavior. This duty shall be discharged by the psychologist if he takes one or more of the following actions: (i) makes reasonable efforts to communicate the threat to the victim or victims; (ii) seeks civil commitment of the patient pursuant to said section twelve of said chapter one hundred and twenty-three; (iii) makes reasonable efforts to notify an appropriate police department or other law enforcement agency. (4) nothing contained herein shall require a psychologist to take any action which, in the exercise of reasonable professional judgement, would endanger himself or increase the danger to a potential victim or victims. (5) the psychologist shall only disclose that information which is essential in order to protect the rights and safety of others.

(d) in order to collect amounts owed by the client or patient for professional services rendered by the psychologist or his employees; provided, however, that the psychologist may only disclose the nature of services provided, the dates of services, the amount due for services and other relevant financial information; provided, further, that if the client raises as a defense to said action substantive assertions concerning the competence of the psychologist or the quality of the services provided, the psychologist may disclose whatever information is necessary to rebut such assertions; or

(e) in such other situations as shall be defined in the rules and regulations of the board.

No provision of this section shall be construed to prevent a nonprofit hospital service or medical service corporation from inspecting and copying, in the ordinary course of determining eligibility for or entitlement to benefits, any and all records relating to diagnosis, treatment, or other services provided to any person, including a minor or incompetent, for which coverage, benefit or reimbursement is claimed, so long as the policy or certificate under which the claim is made provides that such access to such records is permitted. No provision of this section shall be construed to prevent access to any such records in connection with any coordination of benefits, subrogation, workers' compensation, peer review, utilization review or benefit management procedures applied and implemented in good faith.

**SECTION 3.** This act shall not be construed to revoke or alter licenses granted by the board prior to the effective date of this act.

**SECTION 4.** Of the additional four members to be added to the board of registration pursuant to the provisions of this act, one professional member shall be appointed for a term of five years and one professional member shall be appointed for a term of three years; one of the members of the general public shall be appointed for a term of four years and one of the members of the general public shall be appointed for a term of two years.

**SECTION 5.** Notwithstanding the provisions of section one hundred and twenty of chapter one hundred and twelve of the General Laws, if application is made before January first, nineteen hundred and eighty-nine, to the board of registration of psychologists, by an applicant who was licensed as a psychologist on January first, nineteen hundred and eighty-seven, and who can demonstrate that he has been engaged for the equivalent of at least two years full time in the provision of health services shall be certified by said board as a health service provider. Said applicant shall demonstrate that he has been engaged for the equivalent of at least two years full time in the provision of health services if he meets any one of the following conditions:

(a) the psychologist has a diplomate from the American Board of Professional Psychology in Clinical Psychology or Counseling Psychology;

(b) the psychologist is listed in the National Register of Health Service Providers in Psychology;

(c) the psychologist has the equivalent of two years of full time experience, one of which was post doctoral, at a site where health care services are provided;

(d) the psychologist submits the affidavits of two psychologists licensed in the commonwealth which attest that the applicant has been engaged for the equivalent of at least two years full time in the provision of health services; or

(e) any other conditions that the board of registration of psychologists may deem acceptable.

**SECTION 6.** Notwithstanding the provisions of section one hundred and nineteen and section one hundred and twenty-one of chapter one hundred and twelve of the General Laws, if application is made before July first, nineteen hundred and ninety-four to the board of registration of psychologists by an applicant who has completed two full academic years of a graduate program on July first, nineteen hundred and eighty-eight, which he subsequently completes, leading to a doctoral degree in a closely related field with a major emphasis in psychology, as defined by the rules and regulations of the board, said applicant shall not be required to meet the requirements of subsection (b) of said section one hundred and nineteen of said chapter one hundred and twelve.

Approved January 13, 1988.

---

**Chapter 735. AN ACT RELATIVE TO THE NANTUCKET HISTORIC DISTRICT COMMISSION.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 395 of the acts of 1970 is hereby amended by inserting after section 2 the following section:–

**Section 2A.** For purposes of this act the following words shall have the following meanings:–

"Altered", shall include the words rebuilt, reconstructed, rehabilitated, remodeled, renovated, and restored.

"Building", a combination of materials forming a shelter for persons, animals or property.

"Commission", the Nantucket Historic District Commission acting as the Historic District Commission.

"Constructed", shall include the words built, erected, installed, enlarged, and moved.

"Exterior architectural features", such portions of the exterior of a building or structure as are open to view from a beach, a public way, a traveled way, a street or way shown on a land court plan or shown on a plan recorded in the registry of deeds, a proprietor's road, a street or way shown on a plan approved and endorsed in accordance with the



subdivision control law, a public park, or a public body of water, and shall include, but not be limited to, the architectural style and general arrangement and setting thereof; the kind, color, and texture of exterior building materials; the color or paint or other materials applied to windows, doors, lights, signs, trim, gutters, leaders, louvers, vents, porches, decks, staircases, steps, balconies, roof walks, and other appurtenant exterior fixtures.

"Razed", shall include the words destroyed, demolished and removed.

"Structure", a combination of materials other than a building, including, but not limited to, a sign, fence, wall, terrace, walk or driveway.

**SECTION 2.** Said chapter 395 is hereby further amended by striking out section 5, as amended by section 1 of chapter 300 of the acts of 1984, and inserting in place thereof the following section:-

**Section 5.** (a) No building or structure shall be constructed or altered within the Nantucket Historic District in any way that affects its exterior architectural features unless and until either:

(1) an application for a building permit shall first have been approved as to exterior architectural features, which approval shall be evidenced by a certificate of appropriateness issued by the commission; or

(2) the commission first issues a certificate of nonapplicability with respect to such alteration or construction.

(b) No building permit for construction or alteration of a building or structure within the Historic Nantucket District shall be issued by the building inspector until and unless the applicant has first obtained the applicable certificate from the commission. No occupancy permit shall be issued by the building inspector with respect to any building or structure in the Nantucket Historic District unless and until the building inspector receives a written certification from the Historic District Commission that (1) the building or structure has been constructed or altered in compliance with the terms of the certificate of appropriateness issued therefor or (2) a certificate of nonapplicability has been issued for the construction or alteration.

(c) Nothing in this act shall be construed to prevent the ordinary maintenance, repair, or replacement of any exterior architectural feature within the Nantucket Historic District which does not involve a change in design, material, color, or the outward appearance thereof; nor to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition.

**SECTION 3.** Section 8 of said chapter 395 is hereby amended by adding the following two sentences:- The commission shall make and publish rules and regulations adopting or establishing guidelines for exterior architectural features and establishing procedures for the processing of applications and conduct of hearings. The commission may establish such fees with respect to applications and hearings as it deems necessary and appropriate to defray its expenses.

**SECTION 4.** Subsection (a) of section 9 of said chapter 395, as amended by section 2 of chapter 300 of the acts of 1984, is hereby further amended by inserting after the word "a", in line 6, the first time it appears, the words:- beach, public way, public park, public body of water.

**SECTION 5.** Said section 9 of said chapter 395 is hereby further amended by striking out subsection (c) and inserting in place thereof the following subsection:-

(c) The Historic District Commission shall not consider relative size of buildings in plan, interior arrangement or building features not subject to public view. The commission shall not make any recommendations or requirements except for the purpose of preventing developments incongruous to the historic aspects of the surroundings and the Historic Nantucket District.

**SECTION 6.** Said section 9 of said chapter 395 is hereby further amended by striking out subsection (g), added by chapter 708 of the acts of 1972, and inserting in place thereof the following subsection:-

(g) The commission shall have, in addition to the powers, authority, and duties granted it by this act, such other ancillary, enforcement, or investigative powers, authority, and duties as may be delegated or assigned to it from time to time by vote of an annual or special town meeting of the town of Nantucket.

**SECTION 7.** Said chapter 395 is hereby further amended by inserting after section 10 the following section:-

Section 10A. It shall be a violation of this act for any person to construct or alter a building or structure without having first obtained from the commission a certificate of applicability or a certificate of nonapplicability; for any person to raze any building or structure without having first obtained from the commission a permit for such razing; for any person to construct or alter a building or structure in any way which is inconsistent with or contrary to the terms of the certificate of approval issued for such building or structure; or for any person to knowingly submit false, fraudulent, or misleading information to the commission in connection with any application.

**SECTION 8.** Section 11 of said chapter 395 is hereby amended by adding the following sentence:- Such appeals shall be taken within ten days of the filing by the commission of its certificate of determination with the clerk of the town of Nantucket and written notice of such appeal shall be given by the appealing party to the commission at the time such appeal is taken.

**SECTION 9.** Section 12 of said chapter 395 is hereby amended by striking out the second sentence and inserting in place thereof the following two sentences:- The appealing party or parties shall, at the time of filing such appeal, give notice thereof to all persons who were

---

**ACTS, 1987. - Chap. 736.**

parties to the appeal to the board of selectmen, by causing to be delivered to such parties a copy of the complaint and written notice of the filing thereof. The court shall hear all pertinent evidence and determine the facts and, upon the facts so determined, annul such decision if found to exceed the authority of such board, or may remand the case for further action by the commission, or make such other decree as justice and equity may require.

**SECTION 10.** Said chapter 395 is hereby further amended by striking out section 13 and inserting in place thereof the following section:-

**Section 13.** The superior court sitting in equity for Nantucket county shall have jurisdiction to enforce the provisions of this act, and the certificates, permits, determinations, rulings, and regulations issued pursuant thereto, and may, upon petition of the commission, restrain by injunction violations thereof; and, without limitation, such court may order the removal of any building, structure, or exterior architectural feature altered or razed in violation of this act, and may issue such other orders for relief as may be equitable.

Approved January 13, 1988.

---

**Chapter 736. AN ACT RELATIVE TO THE ALLEVIATION OF TRAFFIC CONGESTION.**

Be it enacted, etc., as follows:

Chapter 63 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after section 31C the following three sections:-

**Section 31D.** As used in sections thirty-one D to thirty-one F, inclusive, the following words shall, unless the context requires otherwise, have the following meanings:-

"Commuting student", a full-time student at a college, university or other postsecondary educational institution, who travels between his residence and an educational institution on a regular basis.

"Company shuttle van", a highway vehicle which meets all of the following criteria:

- (1) has a seating capacity of at least seven adults, including the driver;
- (2) at least eighty per cent of the mileage of which reasonably can be expected to be for the purpose of transporting taxpayer's employees between their residence, or public transportation facilities that interface with such routes and their place of employment within the commonwealth, provided, however, that the number of employees transported on such trips is at least one half of the adult seating capacity of such vehicle, not including the driver.

"Employee", either of the following:

- (1) an individual who performs service for an employer for more than eight hours per week for remuneration, or

(2) any commuting student.

"Employer", a taxpayer who is either of the following:

(1) a person for whom services are performed by employees, except government agencies, or

(2) a private educational institution which enrolls students at higher than the secondary level.

"Employer sponsored ride sharing incentive program", a program undertaken by an employer either alone or in cooperation with other employers to encourage or provide fiscal or other incentives to employees to make the home to work commute trip by any mode other than the single occupant motor vehicle.

"Ride sharing", travel by any mode other than the single occupant motor vehicle including, but not limited to, carpooling, vanpooling, public or private buspooling, subscription taxipooling, and public transit, either in highway traffic or on ways or lanes designated for the exclusive use of carpools, vanpools, public or private buspools, subscription taxipools and public transit.

"Third-party vanpool", a vanpool that is not administered and operated by an employer or his employees, but is administered and operated by an outside organization, including a government agency, which makes vehicles and other equipment and services available for use by employers and their employees.

"Vanpool", seven or more persons commuting on a daily basis to and from work by means of a vehicle with a seating arrangement designed to carry seven to fifteen adults, including the driver.

Section 31E. (a) A domestic or foreign corporation shall be allowed a credit against its excise due under this chapter equal to thirty per cent of the cost incurred during the taxable year for the purchase of company shuttle vans, as defined under section one hundred and seventy-nine (d) of the federal Internal Revenue Code, as amended and in effect for the taxable year, or lease of company shuttle vans, as defined in section thirty-one D of chapter sixty-three, used by the corporation in the commonwealth and situated in the commonwealth on the last day of the taxable year.

(b) With respect to company shuttle vans so leased and placed in qualified use during the taxable year, the amount of the credit allowed hereunder shall be thirty per cent of the lease or contract payment incurred during the taxable year, excluding insurance, maintenance, fuel, driver's salaries, finance charges or other operating expenses.

(c) The depreciation deduction that may be taken with respect to any motor vehicle qualifying for a credit hereunder shall be based under its cost less the credit allowable hereunder.

(d) The credit allowed hereunder for any taxable year shall not reduce the excise to less than the amount due under section thirty-two (b), thirty-nine (b) or sixty-seven. The limitation provided under section thirty-two C shall also apply to any credit allowed hereunder.

(e) With respect to property which is disposed of or ceases to be in qualified use prior to the end of the taxable year in which the credit is to be taken, the amount of the credit shall be that portion of the credit

provided for in paragraph (a) which represents the ratio which the months of qualified use bear to the months of useful life. If property on which credit has been taken is disposed of or ceases to be in qualified use prior to the end of its useful life, the difference between the credit taken and the credit allowed for actual use must be added back as additional taxes due in the year of disposition; provided, however, that if such property is disposed of or ceases to be in qualified use after it has been in qualified use for more than four consecutive years, it shall not be necessary to add back the credit, as herein provided. The amount of credit allowed for actual use shall be determined by multiplying the original credit by the ratio which the months of qualified use bear to the months of useful life. For the purposes of this paragraph, "useful life of property" shall be the same as that used by the corporation for depreciation purposes when computing federal income tax liability.

(f) The credit allowed hereunder shall not apply to any property which would otherwise be required as part of the employer's business activities in the absence of an employer-sponsored ride sharing incentive program, as defined in section thirty-one D of chapter sixty-three.

(g) The credit provided by this section shall apply to taxable years ending on or after December thirty-first, nineteen hundred and eighty-eight.

Section 31F. (a) Upon registration of a vanpool vehicle, registration plates for each vehicle shall be provided which include the word VANPOOL on the face thereof.

(b) There shall be no vehicle registration fee required for vanpool vehicle owners who are able to establish the following:

(1) the vanpool vehicle will be used principally for the purpose of carrying employees between their residences and their places of employment or nearby public transportation facilities.

(2) there is a signed list of seven persons, including the driver of the vanpool vehicle, who have agreed to participate in the vanpool for at least eleven of the twelve months subsequent to the registration of the vehicle.

(3) such vehicle is covered by a policy of insurance which shall indemnify the insured against any liability for personal injury, the death of any person or property damage, which injury, death or damage may result from or have been caused by the use or operation of the vanpool vehicle described in the contract of insurance. The amount of such insurance or indemnity against claims for personal injury or death shall be not less than one million dollars. Any person or company issuing any such insurance or indemnity bond shall file a certificate with the registrar of motor vehicles in such form as may be prescribed by said registrar. No such insurance or bond shall be subject to nonrenewal or cancellation while the registration is in force unless said registrar has been given at least twenty days' written notice prior to the effective date of nonrenewal or cancellation. If within such twenty day period said registrar is not presented with satisfactory evidence that other insurance or another indemnity bond has been obtained the registration shall be revoked. Liability under such insurance policy or bond shall

continue beyond such twenty day notification period until such time as the registration for such vanpool vehicle has been surrendered and its plates have been returned to said registrar, but in no case shall such liability continue for more than ten days after such notification period has expired.

(c) If the vanpool owner is unable to establish the conditions of paragraph (b), the vehicle registration fee for each vanpool vehicle shall in no instance exceed the fee which would be required to be paid for such vehicle if it were not used for the purpose of vanpooling.

Approved January 13, 1988.

---

**Chapter 737. AN ACT FURTHER REGULATING DISTRIBUTIONS TO CITIES AND TOWNS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 35 of chapter 10 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in lines 13 and 14, the words "June first and December first of each" and inserting in place thereof the words:- September thirtieth, December thirty-first, March thirty-first and June thirtieth of each fiscal.

**SECTION 2.** Section 18A of chapter 58 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Commencing with fiscal year nineteen hundred and eighty-nine, and continuing in every fiscal year thereafter, the state treasurer shall, subject to appropriation and upon certification of the commissioner, annually distribute from the Local Aid Fund to the several cities, towns, regional school districts and independent vocational schools on or before the date specified, to the extent that sufficient funds are available on such date, the full amounts of school aid due the several cities, towns, regional school districts and independent vocational schools under the provisions of chapter seventy; provided, however, that not less than one-quarter thereof shall be paid on or before September thirtieth. A second payment shall be made on or before December thirty-first and a third payment shall be made on or before March thirty-first, and such payment, together with the payments previously made, shall equal seventy-five per cent of the total amount due. The balance thereof shall be paid on or before June thirtieth.

**SECTION 3.** The first paragraph of section 18B of said chapter 58, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following two sentences:- Said amount shall be distributed in four equal payments. Said payments shall be made

annually, in each fiscal year, on or before September thirtieth, December thirty-first, March thirty-first and June thirtieth.

**SECTION 4.** Paragraph (a) of section 18C of said chapter 58, as so appearing, is hereby amended by striking out the fourth sentence and inserting in place thereof the following two sentences:- Approximately seventy-five per cent of said annual distribution shall be made in three equal payments on or before September thirtieth, December thirty-first and March thirty-first. The balance of said annual distribution shall be made on or before June thirtieth of each fiscal year.

**SECTION 5.** Said chapter 58 is hereby further amended by inserting after section 18D, as so appearing, the following two sections:-

Section 18E. Distributions to cities and towns of additional assistance, so-called, as appropriated for any fiscal year by the general court shall be made in four equal payments. Said payments shall be made annually, in each fiscal year, on or before September thirtieth, December thirty-first, March thirty-first and June thirtieth.

Section 18F. No distributions pursuant to sections eighteen A and eighteen E shall be paid to cities or towns after October first of the fiscal year by the state treasurer until said treasurer receives certification from the commissioner of revenue of said commissioner's acceptance of the prior fiscal year's annual financial reports submitted pursuant to the provisions of section forty-three of chapter forty-four.

In the case of regional school districts, distributions pursuant to chapters seventy, seventy-one, seventy-one A, seventy-one B and seventy-four shall not be paid by the state treasurer after October first of the fiscal year until said state treasurer receives certification from said commissioner of revenue of the acceptance of the prior year's annual financial reports as prescribed by the director of accounts.

**SECTION 6.** Section 20 of chapter 59 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following two paragraphs:-

The state treasurer, not later than August twentieth in each year, shall send formal notice by mail to the assessors and treasurers of the several cities and towns for the payment of charges and assessments under general or special law which may be due and payable to the commonwealth as specifically provided by law or as certified to him by the proper board, department or commission.

Said state treasurer shall reduce the amounts distributable or payable by the commonwealth to cities and towns pursuant to sections eighteen A, eighteen B, eighteen C and eighteen E of chapter fifty-eight by said charges and assessments, and shall make payments to cities and towns in four installments. Said payments shall be made annually, in each fiscal year, on or before September thirtieth, December thirty-first, March thirty-first and June thirtieth. In the event that the charges or assessments exceed the amounts distributable or payable, the treasurers

---

**ACTS, 1987. - Chap. 738.**

of the affected cities and towns shall pay to the state treasurer any amount owed to the commonwealth pursuant to a schedule established by the commissioner of administration.

**SECTION 7.** The provisions of this act shall apply to all fiscal years beginning on or after July first, nineteen hundred and eighty-eight.

Approved January 13, 1988.

---

**Chapter 738. AN ACT ESTABLISHING A SMALL BUSINESS INCUBATOR PROGRAM.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 1 of chapter 212 of the acts of 1975, as most recently amended by section 1 of chapter 130 of the acts of 1987, is hereby further amended by striking out the third paragraph and inserting in place thereof the following two paragraphs:-

It is hereby further found that there exist in the commonwealth conditions of unemployment and economic distress within certain communities and regions that are detrimental to the welfare of the people of the commonwealth, that the failure of new and established businesses in these communities and regions contributes to these conditions of unemployment and economic distress; that the inability of persons to start businesses also contributes to unemployment and economic distress in these communities; that the private market failures in the supply of industrial space, financing, services and management assistance can cause business failures, prevent the formation and growth of new businesses and contribute to the loss of businesses from economically distressed areas; that the problems of unemployment, economic distress, business failures and lack of new businesses are beyond remedy and control solely by regulatory process in the exercise of police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aid provided herein; that small business incubator facilities, which provide small units of space, shared support services, financing and management assistance to new and established businesses can address conditions of unemployment and economic distress by encouraging the creation of new businesses and improving their ability to survive and grow, that small business incubators can best address these conditions by servicing nondefense industries; that there exist population groups in the commonwealth, including women, minorities, youth and employees dislocated from the decline of industries and firms, that suffer from conditions of unemployment and low income; that the suffering of such groups impairs the health, safety and welfare of residents of the commonwealth; that the formation of new businesses by members of these groups will help alleviate these conditions of unemployment and low income; that members of said groups face special barriers and disadvantages



which impair their ability to start businesses; that the barriers members of said groups face include a lack of education and training in business skills and a lack of capital to finance new businesses; that small business incubator facilities through the provision of small amounts of space, training and management assistance and financing can address these barriers and help members of said groups start businesses; that the acquisition, development or disposition of small business incubator facilities in accordance with incubator development plans or the provision of loans, loan guarantees or grants for the acquisition, development, operation or maintenance of small business incubator facilities or to the businesses located or to be located therein are valid public uses and purposes for which public money may be expended.

It is the purpose of the government land bank established by this act to aid private enterprise or public agencies in the speedy and orderly conversion or redevelopment of certain lands formerly used for military activities to nonmilitary uses, including industrial, commercial, and residential uses, and in the development, redevelopment, operation or maintenance of substandard, blighted or decadent areas, of surplus government property and of small business incubator facilities through the acquisition, development, redevelopment, operation, maintenance or disposition of such areas, of surplus government property or of small business incubator facilities, all in accordance with redevelopment or incubator development plans, or through the provision loans, loan guarantees or grants for the development, redevelopment, acquisition or maintenance of such areas, property or facilities or to private entities that are or will be located in such facilities to stimulate economic development including industrial, commercial and residential uses, in order to prevent blight, economic dislocation, economic distress and additional unemployment or to aid private enterprise or public agencies in the construction and rehabilitation upon and within such areas and property of decent, safe, and sanitary housing available to persons of low and moderate income in order to alleviate the shortage of such housing.

**SECTION 2.** Section 4 of said chapter 212, as most recently amended by section 7 of said chapter 130, is hereby further amended by striking out clause (i) and inserting in place thereof the following clause:–

(i) accept gifts, grants, appropriations or loans of funds, property, or financial or other aid from any private or public source;.

**SECTION 3.** Said section 4 of said chapter 212 is hereby further amended by striking out clause (k), as appearing in said section 7 of said chapter 130, and inserting in place thereof the following clause:–

(k) take possession and manage on behalf of the commonwealth or acquire on its own behalf lands, improvements thereon, and related personal property, hereinafter called lands, or an interest therein, (1) from the United States, which lands, or interest therein, were used for Westover Air Force Base, the Chelsea Naval Hospital, or the Boston Naval Shipyard, including the South Boston Annex, the Boston Army Base and all other lands owned by the United States and used in connection

with or for purposes related to the operations of the Boston Naval Shipyard or the Boston Army Base, subject to such restrictions as may be imposed on such acquisition by the United States, and including, without limitation, any other property of the United States lying within the commonwealth and declared surplus by the United States, subject to such restrictions as may be imposed on such acquisition by the United States, hereinafter called the federal surplus lands; (2) from the commonwealth any lands which have been determined to be surplus to direct public uses by the commonwealth or by public agencies, hereinafter called state surplus lands; (3) lands declared decadent, substandard, or blighted open areas by the bank, hereinafter called blighted lands; and (4) lands declared appropriate by the bank for the establishment, development, improvement, redevelopment, stabilization, operation or maintenance of small business incubator facilities, including, without limitation, existing small business incubator facilities hereinafter called incubator development lands.

**SECTION 4.** Said section 4 of said chapter 212 is hereby further amended by striking out clause (o), as so appearing, and inserting in place thereof the following clause:-

(o) prior or subsequent to taking possession of or acquiring such lands hold, protect, improve, manage, operate, maintain, repair and use such lands, or any interest therein, as it deems necessary or desirable to facilitate acquisition, disposition, management, operation, development or redevelopment of such lands, or any interest therein.

**SECTION 5.** Said section 4 of said chapter 212 is hereby further amended by striking out clause (q), as so appearing, and inserting in place thereof the following clause:-

(q) make and administer loans, loan guarantees and grants of its funds to persons, including without limitation governmental agencies and instrumentalities, for, the acquisition, development, redevelopment, improvement or use of lands described in clause (k), for the construction, rehabilitation, improvement, demolition or maintenance of buildings thereon, for the acquisition, establishment, development, redevelopment, stabilization, management, improvement, maintenance or operation of small business incubator facilities thereon, including, without limitation existing small business incubator facilities, for funding of operating and replacement reserves for such small business incubator facilities, for the capitalization or stabilization of present or future occupants of such small business incubator facilities, and for any other use or purpose necessary or convenient for carrying out the powers expressly granted by this act, on such terms as the bank may determine to be necessary and consistent with the provisions of this act; provided, however, that any new building construction for a small business incubator facility shall only be considered after exhausting all available alternatives of redevelopment, stabilization and improvement of existing blighted, decadent, distressed and substandard properties.

**SECTION 6.** Said section 4 of said chapter 212 is hereby further amended by adding the following clause:-

(s) acquire stock and options or warrants for the purchase of stock in businesses or other public or private entities that are or will be located in a small business incubator facility and sell such stock, options or warrants provided, however, that the bank shall not acquire more than forty-nine per cent of the stock of any such business or entity.

**SECTION 7.** Said chapter 212 is hereby further amended by striking out section 6, as most recently amended by section 9 of chapter 130 of the acts of 1987, and inserting in place thereof the following section:-

**Section 6.** The bank may take possession of or acquire blighted lands or incubator development lands or an interest therein or make loans, loan guarantees or grants for the redevelopment of blighted lands only after a public hearing and a determination by the bank that such lands are decadent, substandard or blighted open areas.

The bank may dispose of federal surplus, blighted or incubator development lands or an interest therein only after approval of a redevelopment plan for federal surplus or blighted lands, or an incubator development plan for incubator development lands by the board of directors of the bank, which approval shall not occur until a public hearing is held on said redevelopment or incubator development plan and provided such lands shall be developed or redeveloped in accordance with said redevelopment plan or incubator development plan. The bank shall not approve a redevelopment or incubator development plan for such lands within one year of the acquisition or possession by the bank of such lands or an interest therein unless the city council, board of aldermen or board of selectmen of the municipality or municipalities in which the lands lie have approved said redevelopment or incubator development plan. The bank may extend the one year period by petition of any municipality wherein the lands are located.

The bank may take possession of or acquire state surplus lands or an interest therein only after approval of a redevelopment plan for such lands by the board of directors of the bank, the city council, board of aldermen or board of selectmen of the municipality or municipalities in which the lands lie, and the deputy commissioner of capital planning and operations, which approvals shall not occur until a public hearing is held on said redevelopment plan. Such lands shall be developed or redeveloped in accordance with said redevelopment plan and if a formal competitive process will not be the method utilized for the disposition of such lands or interests to a private person or entity, the bank shall disclose the reasons therefore in the central register published by the secretary of state prior to such disposition.

The bank shall, in accordance with section three of chapter thirty A of the General Laws, establish general rules and regulations governing the evaluation and selection criteria for development proposals for all state surplus lands acquired by it, prior to the acquisition of any state surplus lands by the bank.

No redevelopment or incubator development plan shall be approved by

the bank unless the bank finds that such plan provides for the development, redevelopment, operation, or maintenance of the lands, in whole or in part, substantially for industrial, commercial or residential uses which will prevent or eliminate blight, economic dislocation, economic distress, or unemployment, or for the construction or rehabilitation upon the lands or decent, safe and sanitary housing, at least twenty-five per cent of which shall be made available to persons of low and moderate income, or for such other public purposes as the bank may determine are generally consistent with the provisions of this act; that such plan is consistent with the sound needs of the locality as a whole, with particular regard to the prevention of blight, economic dislocation and unemployment or the alleviation of the shortage of such housing; that such plan is financially sound; and that such plan meets such other requirements as the bank may by regulation establish.

No redevelopment or incubator development plan shall be materially amended unless the public hearing and approval procedures as specified in this section for redevelopment or incubator development plans are complied with prior to any such amendment.

Redevelopment or incubator development plans shall contain a general description of the lands and of the purposes for which the lands will be developed, redeveloped, operated or maintained, the anticipated financing sources for said development, redevelopment, operation or maintenance and the role of the bank in and the anticipated public benefits and public subsidies that will result from the development, redevelopment, operation or maintenance of such lands. If a redevelopment plan is for state surplus lands, said plan shall also contain a description of (a) any reuse restrictions imposed by the general court or the deputy commissioner of capital planning and operations and how said restrictions will be enforced by the bank; and (b) the disposition process to be utilized for such lands.

Any required public hearings need not be adjudicatory hearings as provided by chapter thirty A of the General Laws. Notice for said public hearings must be published in a daily newspaper of general circulation in the area in which the land is located at least seven days prior to said hearings and the requirements of sections eleven A and eleven B of said chapter thirty A shall be met. At least seven days prior to public hearings on redevelopment or incubator development plans, said plans shall be available for public review at the offices of the bank.

**SECTION 8.** Section 6A of said chapter 212, inserted by section 9 of said chapter 130, is hereby amended by striking out the first paragraph, and inserting in place thereof the following paragraph:-

Any disposition of lands, or an interest therein, by the bank may be made in such manner whether by sale, lease, or otherwise, by parcels which are the same as or different from those by which they were acquired or taken possession of by the bank, and for such price, rental or other consideration payable over such term, and bearing interest as to deferred payments and secured in such manner, by mortgage or otherwise, all as the bank may determine to be desirable and consistent

with any applicable provisions of any applicable redevelopment or incubator development plan.

**SECTION 9.** Said chapter 212 is hereby further amended by striking out section 7A, inserted by section 10 of said chapter 130, and inserting in place thereof the following section:–

Section 7A. The bank may make loans, loan guarantees or grants as provided in clause (g) of section four only upon the approval by the bank of a loan, loan guarantee or grant application containing the following information:

- (a) identification of the borrower or recipient;
- (b) a description of the project including a financing plan;
- (c) a description of how the loan being guaranteed will be secured; and
- (d) a description of the public benefits to be derived from the project.

No such application shall be approved by the bank unless the bank finds that the project represented in such application provides for the capitalization or stabilization of a business that is or will be located in a small business incubator facility or for the acquisition, development, improvement, redevelopment, operation, maintenance or use of lands, in whole or in part, or the construction, rehabilitation, demolition or maintenance of the buildings thereon, or the acquisition, establishment, development, improvement, redevelopment, stabilization, management or operation of small business incubator facilities thereon, substantially for industrial, commercial or residential uses which will prevent or eliminate blight, economic dislocation, economic distress of unemployment, or for the construction or rehabilitation upon such lands of decent, safe and sanitary housing, at least twenty-five per cent of which will be made available to persons of low and moderate income, or for such other public purposes as the bank may determine are generally consistent with the provisions of this act; that such project is consistent with the sound needs of the locality as a whole, with particular regard to the prevention of blight, economic dislocation, economic distress and unemployment or the alleviation of the shortage of such housing; that such project is financially sound; and that such project meets such other requirements as the bank may by regulation establish.

**SECTION 10.** Said chapter 212 is hereby further amended by inserting after section 7A the following four sections:–

Section 7B. The small business incubator facilities that receive financial assistance from the bank shall not be located within a twenty-five mile radius of another small business incubator project approved by the bank.

Section 7C. In addition to other requirements contained in this act, each incubator development plan or loan, loan guarantee or grant application related to a small business incubator facility shall:–

- (i) make provision for a professional business manager or be accompanied by a contract between a professional management service and the incubator sponsor. Said business management contract shall include whenever possible but not be limited to the regional Small

Business Development Centers established pursuant to 15 USC 648, if such assistance is provided without charge to said sponsors;

(ii) contain a needs analysis demonstrating a shortage of small units of industrial space for businesses in the service area of the proposed facility; and

(iii) adequately demonstrate the capacity of the recipient to make or administer loans or investments to capitalize businesses that are or will be served by said facility.

Section 7D. Before approving an application to a small business incubator facility, the incubator sponsor shall require that an applying business must show evidence of the following:–

(1) the business applying for financial aid has a clearly developed business concept or prototype;

(2) the business has a reasonable chance of being commercially successful;

(3) the financial aid provided by the bank shall be used to further commercialization of the business including, but not limited to, the further development of the business; the construction of a prototype, the development of a manufacturing process to produce, or to implement a marketing or distribution strategy for the product;

(4) financial aid by the bank is necessary for the commercial development of the business because funding for such commercial development of the business is only available on terms that would substantially hinder its successful commercial development; and

(5) the employment created or maintained by commercial development and production of the business will be in the commonwealth.

The incubator sponsor shall only permit eligible businesses, including, without limitation small businesses located in existing small business incubator facilities, to be tenants in such incubator facility.

For the purposes of this section, the word "business" shall mean any individual, firm, corporation, partnership, trust or other legal entity, in the process of formation or starting as a new business, engaged in, but not limited to, the research, development and construction of a prototype, the development of a manufacturing process to produce the product or to implement a marketing or distribution strategy for the product, including a business located in an existing incubator facility or an existing business which demonstrates a significant diversification of its product line.

Section 7E. The incubator sponsor shall require tenant businesses to leave the incubator facility within five years. The incubator sponsor, upon determination by the governing board of the incubator facility, may allow a tenant business a limited extension of time beyond the five year period to remain in the incubator. The considerations shall include, but not be limited to, available space in the facility; the achievement of financial viability within the extension period; and the inadequacy or lack of affordable space, with good faith substantiation of an effort to secure reasonable relocation space.

**SECTION 11.** Section 8B of said chapter 212, inserted by section 11 of

chapter 130 of the acts of 1987, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:–

Amounts received by the bank from debt obligations issued pursuant to this act shall be used for the purposes of acquisition, holding, protection, maintenance, repair, stabilization, operation, management, development, redevelopment, improvement of use of lands described in clause (k) of section four, for making loans, loan guarantees and grants as herein provided, for the acquisition of stock, options or warrants as provided in clause (s) of said section four, for refunding other such debt obligations, or for provision of personnel and administrative costs of the bank as provided by this act.

**SECTION 12.** Said chapter 212 is hereby further amended by striking out section 10, as most recently amended by section 13 of said chapter 130, and inserting in place thereof the following section:–

**Section 10.** The bank shall keep accurate accounts of all receipts and expenditures of the Government Land Bank Fund; and shall make a report annually containing an abstract of such accounts and detailed information on all receipts and expenditures, including prices paid for lands purchased, the terms upon which loans, loan guarantee and grants were made, and such other detailed information as provided in section fourteen. Except as otherwise provided by this act, the bank shall have full power to exercise care of its property and management of its loans, loan guarantees, grants, business and affairs, and to sell and convey any lands as provided by this act, by deed or other instrument sealed with its corporate seal, signed and acknowledged by a majority of the board of directors of in like manner to authorize such sale and conveyance by any of its officers or agents.

**SECTION 13.** Said chapter 212 is hereby further amended by inserting after section 16E the following two sections:–

**Section 16F.** There is hereby established the incubator program fund which shall be under the control of the bank, but shall consist of a separate account or accounts segregated from other bank funds, to which shall be credited any appropriations made to said fund, together with such other amounts as may become available from any other source. The bank may from time to time withdraw from said amounts as may be necessary to defray costs and expenses incurred by the bank in connection with any project undertaken by the bank pursuant to this act.

**Section 16G.** The Government Land Bank shall contract for a five year evaluation of its activities to develop small business incubator facilities by an independent organization experienced in the evaluation of economic development programs. Such evaluation shall cover the five year period following the effective date of this act. No more than twenty-five thousand dollars shall be expended for such evaluation. A copy of the findings and recommendations from such evaluation shall be filed within thirty days of its completion with the clerk of the house of

representatives who shall forward a copy thereof to the governor and the clerk of the senate.

Approved January 13, 1988.

EMERGENCY LETTER: January 27, 1988 @ 2:17 P.M.

---

**Chapter 739. AN ACT RELATIVE TO ALUMNI REPRESENTATION  
ON THE BOARD OF TRUSTEES OF THE UNIVERSITY  
OF MASSACHUSETTS.**

Be it enacted, etc., as follows:

**SECTION 1.** The first paragraph of section 9 of chapter 15A of the General Laws, as most recently amended by section 2 of chapter 472 of the acts of 1987, is hereby further amended by striking out the first sentence and inserting in place thereof the following eight sentences:- There shall be a board of trustees consisting of eleven members for each of the institutions named in section three other than the University of Massachusetts. One member of such board of trustees shall be a full-time undergraduate student member from said institution, and ten members shall be appointed by the governor, one of whom shall be an alumnus of said institution and one of whom shall be elected thereto by the alumni association of said institution. There shall be a board of trustees for the University of Massachusetts consisting of nineteen members. Two members of the University of Massachusetts board of trustees shall be full-time undergraduate students, one of whom is from the Amherst campus and one of who is from the Boston campus; one member shall be a full-time student from the Medical School; and sixteen members shall be appointed by the governor, four of whom shall be alumni of said institution elected thereto by the membership of the alumni associations of the campuses of said institution. Of the alumni elected to the University of Massachusetts board of trustees, two shall be elected by the membership of the alumni association of the Amherst campus, one shall be elected by the membership of the alumni association of the Boston campus, and one shall be elected by the membership of the alumni association of the Worcester campus. Each elected alumnus member shall be elected every five years. No elected alumnus member shall serve for more than two consecutive terms. A vacancy in the position of elected alumnus member prior to the expiration of a term shall be filled for the remainder of the term in the same manner as elections to full terms.

**SECTION 2.** Notwithstanding the provisions of section one of this act, the alumni members of the University of Massachusetts board of trustees initially elected as provided herein shall be appointed effective March first, nineteen hundred and eighty-eight.

**SECTION 3.** Notwithstanding the provisions of section two of this act, the three additional members of the University of Massachusetts board



---

**ACTS, 1987. – Chaps. 740, 741.**

of trustees initially elected as provided herein shall be appointed effective March first, nineteen hundred and eighty-eight for a five year term. Said members shall be elected respectively by the membership of the alumni associations of the Amherst, Boston, and Worcester campuses of said institution.

Approved January 13, 1988.

---

**Chapter 740. AN ACT AUTHORIZING THE DISSOLUTION OF THE NORTON FIREFIGHTERS RELIEF ASSOCIATION.**

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the Norton Firefighters Relief Association, a corporation duly established under the laws of the commonwealth, is hereby authorized to dissolve said corporation and to donate any remaining funds of said corporation to the betterment of the firehouses of the town of Norton.

Approved January 13, 1988.

---

**Chapter 741. AN ACT RELATIVE TO THE EXCLUSION OF VEHICLES FROM PUBLIC WAYS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 1 of chapter 82 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following two paragraphs:

Notwithstanding any other provision of this chapter, no municipality shall layout, alter, relocate, or discontinue an existing way at its point of connection, or within five hundred yards of its point of connection, with an adjoining municipality which excludes motor vehicle traffic from the way until and unless (a) the city, town or county initiating such layout, alteration, relocation or discontinuance gives written notice of such action to the chief executive officer of abutting city, town, or county into which the said way extends, and (b) a public hearing is held by the city, town or county initiating such layout, alteration, relocation or discontinuance, public notice of which must be published for each of the two weeks preceding such hearing in a newspaper of general circulation in the abutting city, town or county into which the said way extends, and (c) the chief executive officer of such abutting city, town or county concurs in writing, in such layout, alteration, relocation or discontinuance. If within ninety days of the date of such hearing required by this section there is no concurrence by the abutting city, town or county into which the said way extends, the initiating city, town or county may make a written request to the commissioner of the state

---

**ACTS, 1987. – Chap. 742.**

department of public works to approve of the said layout, alteration, relocation or discontinuance. If the said commissioner so approves, the said layout, alteration, relocation or discontinuance shall take effect and be valid without the concurrence of the abutting city, town or county into which the said way extends.

A city or town may, without complying with the foregoing provisions of this section, exercise the authority granted to it by section thirty-two A.

**SECTION 2.** Section 2 of chapter 85 of the General Laws, as so appearing, is hereby amended by striking out clause 6 and inserting the following two clauses:-

(6) any one-way street sign not placed at an intersection of public ways;

(7) any rule, regulation, order, ordinance or by-law of a city or town which when made or promulgated would exclude motor vehicle travel on any existing way which connects one city or town with another, unless such rule, regulation, order, ordinance or by-law was promulgated in compliance with the following: (a) the rule-making body of the city or town initiating such rule, regulation, order, ordinance or by-law gives written notice of such action to the chief executive officer of the abutting city, town or county into which the said way extends, and (b) a public hearing is held by the city, town or county initiating such alteration, relocation or discontinuance, public notice of which must be published for each of the two weeks preceding such hearing in a newspaper of general circulation in the abutting city, town or county into which the said way extends, and (c) after concurrence in writing by the chief executive officer of the abutting city or town into which the said way extends or his designee.

**SECTION 3.** This act shall not apply to any alteration, relocation or discontinuance of an existing way in a city or town if said municipality has both voted such action by vote of city council, town council or town meeting, and has implemented such action prior to the effective date of this act.

Approved January 13, 1988.

EMERGENCY LETTER: January 26, 1988 @ 11:40 A.M.

---

**Chapter 742. AN ACT RELATIVE TO MEDICAL MALPRACTICE.**

Be it enacted, etc., as follows:

Section 39 of chapter 351 of the acts of 1986 is hereby amended by striking out the last two paragraphs and inserting in place thereof the following two paragraphs:-

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,

---

**ACTS, 1987. - Chaps. 743, 744.**

nineteen hundred and eighty-eight; provided, however, that an interim report on 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 March thirty-first, nineteen hundred and eighty-eight.

The provisions of this section shall expire on December thirty-first, nineteen hundred and eighty-eight.

Approved January 13, 1988.

---

**Chapter 743. AN ACT FURTHER REGULATING LODGING HOUSES.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate lodging houses, 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 30 of chapter 140 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by adding the following paragraph:-

Any person aggrieved by a determination of a licensing authority pursuant to the provisions of this section or by the failure of a licensing authority to grant or act upon a renewal license shall have the right to appeal in accordance with the provisions of chapter thirty A to the housing court division of the trial court having jurisdiction in the city or town wherein the lodging premises are located or if there is no such housing court division having jurisdiction, the superior court division of the trial court.

Approved January 14, 1988.

---

**Chapter 744. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY A CERTAIN PARCEL OF LAND IN THE TOWN OF FRAMINGHAM.**

Be it enacted, etc., as follows:

**SECTION 1.** The deputy commissioner of the division of capital planning and operations, subject to the provisions of sections forty E through forty J, inclusive, of chapter seven of the General Laws, is hereby authorized to sell and convey by deed approved as to form by the attorney general, to Christopher Abelli, a certain parcel of land approximately 3.5 feet wide located at the rear of Singletary Lane in the town of Framingham containing approximately 100 square feet more or

less and shown as the parcel containing a portion of a structure encroaching over the southwesterly boundary line of land owned by the commonwealth of Massachusetts shown on a plan on file in the metropolitan district commission, subject to the requirements of section two and to such additional terms and conditions as the deputy commissioner may prescribe in consultation with the metropolitan district commission.

**SECTION 2.** The recipient of said parcel will assume the costs of appraisals, surveys and/or other expenses as deemed necessary by the deputy commission for the conveyance of this property.

**SECTION 3.** As a further consideration, and as a requirement prior to said conveyance authorized by section one of this act, said Christopher Abelli, his heirs, or successors or assigns, which ever the case may be, shall have signed an agreement relinquishing any and all rights he or his heirs, successors, or assigns may be or may have been entitled to for compensation, including any interest accrued thereon, either from the commonwealth or from the town of Framingham for reimbursement for any or all back taxes which said Christopher Abelli or his heirs, successors, or assigns in title have paid, if any, from time to time on said aforementioned parcel and shown on said plan on file with the metropolitan district commission.

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

Approved January 14, 1988.

---

**Chapter 745. AN ACT AUTHORIZING AN EXCHANGE OF LAND BETWEEN THE GLOUCESTER REDEVELOPMENT AUTHORITY AND THE COMMONWEALTH.**

Be it enacted, etc., as follows:

**SECTION 1.** The division of capital planning and operations, on behalf of the commonwealth, is hereby authorized and directed to convey, by deed approved as to form by the attorney general, to the Gloucester Redevelopment Authority all the right, title and interest of the commonwealth in a certain parcel of land located in the city of Gloucester and shown as Lot "B" on a plan entitled "Plan of Land in Gloucester, Mass. Showing Proposed Exchange of Land between Gloucester Redevelopment Authority and the Commonwealth of Massachusetts," dated June, 1982, revised May, 1983, to be recorded in the Essex South District Registry of Deeds and more particularly bounded and described as follows:

Lot B

NORTHERLY by land now or formerly of the Gloucester Redevelopment Authority Ninety-Five and Sixty-Five Hundredths (95.65) feet;

NORTHEASTERLY by proposed Lot "C" as shown on said plan, Eighteen and Ten Hundredths (18.10) feet;

SOUTHEASTERLY by land now or formerly of the Commonwealth of Massachusetts Thirty-Five (35.00) feet;

SOUTHWESTERLY by said land of the Commonwealth Thirty-One and Fifty-Three Hundredths (31.53) feet;

SOUTHEASTERLY by said land of the Commonwealth, Forty and Forty-Three Hundredths (40.43) feet; and

SOUTHWESTERLY by said land of the Commonwealth, Twenty-Six and Ninety-Seven Hundredths (26.97) feet.

The conveyance to be subject to the reservation of easements, the terms and conditions of which are to be negotiated between said parties.

**SECTION 2.** In consideration for the conveyance provided for in section one, the Gloucester Redevelopment Authority shall convey to the commonwealth a certain parcel of land located in the city of Gloucester and shown as Lot "A" on the plan of land entitled "Plan of Land in Gloucester, Mass. Showing Proposed Exchange of Land between Gloucester Redevelopment Authority and the Commonwealth of Massachusetts," to be recorded in the Essex South District Registry of Deeds and more particularly bounded and described as follows:

Lot A

NORTHEASTERLY by land now or formerly of the Gloucester Redevelopment Authority One Hundred Twenty and Twenty-Six Hundredths (120.26) feet;

SOUTHERLY by land of the Commonwealth of Massachusetts Forty-Seven and Forty-Nine Hundredths (47.49) feet;

SOUTHWESTERLY by said land of said Commonwealth Thirty-Four (34.00) feet;

WESTERLY by said land of said Commonwealth and Gloucester Harbor Fifty-Nine and Fifty-Nine Hundredths (59.59) feet; and

NORTHWESTERLY by Gloucester Harbor Thirty-One and Twenty-Nine Hundredths (31.29) feet.

The conveyance to be subject to the reservation of easements, the terms and conditions of which are to be negotiated between said parties.

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

Approved January 14, 1988.

---

**Chapter 746. AN ACT RELATIVE TO SCHOOL BUILDING ASSISTANCE.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately establish a program of school building assistance, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

---

ACTS, 1987. - Chap. 746.

Be it enacted, etc., as follows:

**SECTION 1.** Section 14B of chapter 71 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out clause (f) and inserting in place thereof the following clause:-

(f) the terms by which any city or town may be admitted to or separated from the regional school district; provided, however, that in the case of admission such terms shall not be inconsistent with the provisions of section sixteen of chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight.

**SECTION 2.** Chapter 645 of the acts of 1948, as most recently amended by section 17 of chapter 303 of the acts of 1987, is hereby further amended by striking out sections 1 to 10, inclusive, and inserting in place thereof the following twenty-one sections:-

Section 1. To promote the planning and construction of school buildings and the establishment of consolidated and regional schools, in order to insure safe and adequate plant facilities for the public schools, and to assist towns in meeting the cost thereof, there is hereby established in the department of education a program of school building assistance.

Section 2. The purpose of this program shall generally be (1) to encourage and foster the establishment and building of consolidated and regional or union public schools in and among the cities and towns of the commonwealth, (2) to conduct surveys and studies relative thereto, and (3) to administer the provisions of this act relative to grants to cities and towns for the planning and construction of school buildings. The board of education is hereby specifically authorized to make contracts for surveys or other technical services within the scope of its duties, to provide legal, architectural or other technical advice and assistance to cities and towns or to joint committees thereof in the planning and establishment of regional or consolidated schools, and to recommend to the general court such legislation as it may deem desirable or necessary to further the purposes of this act. The board shall submit an annual report to the governor and the general court.

Section 3. For the purposes of this act, the following words shall have the following meanings:-

"Approved school project", any capital construction or major reconstruction project, as defined in this section, which is determined by the board of education to be necessary to meet educational standards, as promulgated by the board, for anticipated enrollment levels, and which conforms to the following provisions:

(1) that each component of said project has an expected useful life, as determined by the board of education, of at least seven years and also of at least the period for which any debt obligations undertaken to finance said project will remain outstanding; and,

(2) that except in the case of a city, town, county or regional school district with a total population of less than five thousand people, no

project shall constitute an approved school project for purposes of this act unless it has an estimated cost, as determined by the board, in excess of one hundred thousand dollars.

"Board of education" or "board", the state board of education established by section one E of chapter fifteen of the General Laws.

"Capital construction project", any capital project which is (1) a project for the construction, enlargement or original equipping of a regional, consolidated or county agricultural school, or of any public schoolhouse in any city or town, or (2) a project for the acquisition and renovation of an existing structure for use as a schoolhouse together with acquisition of the land upon which it stands and, such other lands as are necessary for the project, or (3) the acquisition of a site for an urban-suburban collaborative school.

"Commissioner", the commissioner of education or his designee.

"Consolidated school", any school constructed or enlarged with the intent of eliminating one or more existing schools.

"Major reconstruction project", any capital project involving the reconstruction, renovation or improvement of an existing schoolhouse, including the replacement of a roof or heating plant; provided, however, that it is determined by the board of education that such reconstruction renovation or improvement has not been necessitated, in whole or in part, by the failure of a city, town, or regional school district to make adequate and prudent provisions for the care and maintenance of said schoolhouse.

"Regional school", any public school established under any provision of law by the action of two or more cities or towns. For the purposes of this act, the agricultural schools maintained by the counties of Bristol, Essex, and Norfolk shall be deemed to be regional schools.

"Regional school building committee", any agency organized by two or more cities and towns under any provision of general or special law for the purpose of planning or constructing a regional school.

"Regional school district", any agency established for the purpose of operating a regional school.

"Total construction grant", the grant representing the commonwealth's total contribution to an approved school project, and which is calculated as follows:

(1) In the case of a grant for an approved project of a city or town, or of an urban-suburban collaborative school, the total construction grant shall be the product of multiplying the final approved costs of such project, including costs referred to in section seven, by the reimbursement percentage determined pursuant to section twelve for the year in which the project is approved.

(2) In the case of a grant for an approved project of a regional school district or a county, the total construction grant shall be the sum of the grants computed separately for each city and town which is a member of said regional school district or located in said county as hereinafter provided. For purposes of this computation, each member city's and town's share of the combined grant shall be equal to the total approved project cost, including costs referred to in section seven, multiplied by

the product of the reimbursement percentage listed in section twelve (a), multiplied by the percentage of district or county capital costs that would be apportioned to such city or town in accordance with the applicable regional school district agreement or law for capital costs incurred in the fiscal year in which the grant is approved. The amount of the total capital costs apportioned to a member city or town in any fiscal year on account of an approved school project of a regional school or county, determined in accordance with the applicable regional school district agreement or law, shall be reduced by an amount equal to the amount of the grant payable on account of such project in such fiscal year multiplied by a fraction the numerator of which is the city's or town's reimbursement percentage, determined as aforesaid, multiplied by the percentage of capital costs apportioned to the city or town for such fiscal year in accordance with the applicable regional school district agreement or law, and the denominator of which is the sum of the percentages so derived as the numerators for all of the member cities and towns.

"Urban-suburban collaborative school", a school established, operated and maintained by agreement between a city and town which has the following attributes, provided that this definition does not include regional school districts, magnet education schools, or the METCO program:

(1) that students enrolled in the school are so enrolled on a voluntary basis;

(2) that each community contribute at least twenty-five per cent of the population of students enrolled in the school for the duration of the period that the school is receiving state assistance under the provisions of section seventeen;

(3) that the campus of the collaborative school be located in the participating suburban town;

(4) that there be a finding by the board, with regard to each participating community that it is either (a) in compliance with a court-ordered or board of education-approved desegregation plan, or (b) not segregated in violation of state or federal law;

(5) that there be a finding by the board that there has been a good faith effort made by the collaborative school to achieve substantial integration of the enrolled population according to racial, socio-economic, geographic, and academic characteristics; and,

(6) that the participating communities have access to the facilities of the school twelve months a year.

Section 4. A project shall become an approved school project, as defined in section three, after it has been approved by the board for the purposes of sections seven to twelve, inclusive, and upon certification by the division of special education in the department of education that adequate provisions have been made for children with special needs, as defined in section one of chapter seventy-one B of the General Laws. Applications to the board for capital construction projects shall be made and approval shall be obtained before construction is undertaken.

Section 5. Any regional school district may apply to the board for



reimbursement, in whole or in part, of any expenses incurred for educational, engineering and architectural services incidental to the planning of a regional school. Architectural services shall include preliminary studies, preliminary plans, working drawings and specifications, estimates and all other work customarily performed by an architect for the construction of a school prior to the execution of the construction contract by the awarding authority. Such application shall be accompanied by copies of such studies, plans, working drawings, specifications and estimates together with such additional information as the board may require. The said board may, if it is satisfied that the plans so submitted are satisfactory with respect to site, type and adequacy of the proposed construction for an approved school project in a regional school district and in the best interest of the respective towns, and the expenses so incurred are reasonable, certify to the comptroller for payment to such regional school district such amount, not exceeding such expenses, as it may deem proper, and the state treasurer shall forthwith make the payments so certified from any funds appropriated therefor.

Section 6. Any city, town or regional school district may apply to the board for reimbursement, in whole or in part, of any expenses incurred for surveys made of school building needs and conditions, the contract for which has been approved by the board. The said board may, upon completion of the survey, certify to the comptroller for payment to the city, town or regional school district such amount, not exceeding such expenses, as it may deem proper, and the state treasurer shall forthwith make the payments so certified from any funds appropriated therefor.

Section 7. (a) Any city, town, or regional school district may apply to the board for a school construction grant to meet in part the cost of an approved school project. Such cost shall include the entire interest paid or payable by such city, town or regional school district on any bonds or notes issued to finance such project, as well as any premiums, fees, or charges for credit or liquidity enhancement facilities or services issued or rendered to any such city, town, or regional school district. Such costs shall also include all costs and legal fees to enforce rights on any contracts for the construction of an approved school project. Such application shall be in the form prescribed by the board, and shall be accompanied by such additional information, drawings, plans, estimates of cost, and proposals for defraying such costs, as the board may require.

(b) Any city, town, or regional school district which is eligible for aid under the provisions of this chapter and establishes extended courses of instruction in a vocational school, as provided in section thirty-seven A of chapter seventy-four of the General Laws, and wishes to enlarge or construct a school for the purpose of maintaining such extended courses of instruction on a technical institute level shall be eligible for financial assistance in the construction or enlargement of such school in the manner and to the extent provided by this act.

Section 8. (a) Forthwith upon receipt of an application under the provisions of section seven, the board shall examine such application and any facts, estimates or other information relative thereto, and shall

determine whether the proposed construction is in the best interests of the commonwealth and the city, town or regional school district, with respect to its site, type of construction, sufficiency of accommodations, and otherwise. In determining whether the proposed construction is in the best interests of the commonwealth, the said board shall consider the availability of funds under section nine, the order of priorities under section ten and the construction procedures and standards under section eleven. If, in its opinion, such proposed construction should be undertaken, the board shall determine the estimated approved cost of such construction, which cost may be equal to the estimated cost furnished by such city, town, or regional school district or a lesser amount, and compute the amount estimated of construction grant to which the town would be entitled under section nine, such computation being based on said approved cost.

(b) Within a reasonable time after receipt of such application the board shall notify such city, town or regional school district of its approval or rejection therefor, and, in the event of its rejection, of the reasons therefor. Notice of approval hereunder shall be accompanied by a statement of the estimated approved cost as determined by the board, and an estimate of the amount of school construction grant to which such city, town or regional school district may be entitled under the provisions of said section nine.

(c) The final approved cost shall be determined by the board within a reasonable time after the acceptance of the completed project by the local school committee.

(d) Any city or town which has received, in accordance with the provisions of this section, notice of approval and an estimate of the amount of school construction grant to which such city or town may be entitled, may during the time this chapter remains in effect, borrow from time to time for said approved school project an amount not exceeding said estimated grant, or such larger amount as may be approved by the emergency finance board established under section forty-seven of chapter ten of the General Laws, and may issue bonds or notes therefor which shall bear on their face the words, (name of city or town) School Project Loan, Act of 1948. 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 herein provided, be subject to the applicable provisions of chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven of said chapter forty-four.

(e) If the determination of the final approved cost is delayed because the construction is not completed, the payments preceding determination of the final approved cost may be based upon the estimated approved cost, and adjustment shall be made in the payment or payments which are made subsequent to the determination of the final approved cost.

Section 9. (a) Before approving any school projects as defined in section three, the board shall determine (1) the amount of the first annual estimated payments on such projects and (2) the fiscal year in

which it is anticipated that the first annual estimated payments would be paid. The aggregate amount of such first annual estimated payments for projects approved by the board in any fiscal year shall not exceed such amount as may be duly authorized therefor as a part of an annual general or supplemental appropriation act or otherwise; provided that school projects ordered or approved by a court as necessary for desegregation or such projects as may be required in the judgment of the board to reduce or eliminate racial imbalance may be approved only in the event that there is a special authorization sufficient to provide for the first annual estimated payments therefor. For the purposes of this section, a "first annual estimated payment" shall be either (1) the amount of the first annual estimated payments to a city, town, or regional school district which results from the approval of a capital construction or major reconstruction project, or (2) the first annual estimated payment on any notes or bonds issued by the commonwealth for the purpose of funding projects through the alternative funding mechanism set forth in section fourteen.

(b) Before approving any school project, as defined in section three, which is to be funded through the alternative funding mechanism set forth in section fourteen, the board shall determine that if the project under consideration is approved, the commonwealth's aggregate payments on such projects shall not exceed the amount of indebtedness which the commonwealth has authorized for such projects.

(c) Eighty-five per cent of the amount of first annual estimated payments duly authorized therefore as part of an annual general or supplemental appropriation act shall be reserved by the board for capital construction projects, and fifteen per cent of such amount shall be reserved by the board for major reconstruction projects. In the event of a project approved on the basis of unequal annual payments as provided in section twelve or by other legislation of similar intent, the arithmetic average of the estimated annual payments for that project may be the amount included in the said aggregate of first annual payments. The unused portion of the prior year authorization shall be available for use in the next following fiscal year for approved projects; provided, however, that any balance remaining in the last month of a fiscal year and which is reserved for either capital construction or major reconstruction projects may be approved only for the same category of project for which it has been reserved. Projects approved under provisions of individual special legislation shall not be subject to the limitations of this authorization.

(d) In each fiscal year there shall be appropriated on account of the provisions of this chapter three separate items in accordance with the following clauses; provided, however, that any portion of the said appropriations which is not required to be used in such fiscal year shall be carried over to each succeeding year for the aforesaid purposes: (1) an amount to provide for the first annual payments on any school projects approved on or after July first, nineteen hundred and seventy-five, (2) an amount required for annual payments to be made in the fiscal year on account of school projects approved by the state board

prior to July first, nineteen hundred and seventy-five and all other projects approved after said date on which the first annual payment has been made, and (3) an amount required for payments in the fiscal year on account of grants and reimbursements (i) for educational, engineering and architectural services for regional school districts as set forth in section five, (ii) for surveys made of school building needs and conditions as set forth in section six, (iii) for matching stabilization fund payments as set forth in section twelve, (iv) for leases relative to the maintenance of a vocational education program, as provided for in section fifteen, and (v) for payments associated with admission to a regional school district, as provided for in section sixteen.

Section 10. The board shall approve school projects and reimbursements under this chapter in accordance with the following order of priorities: (1) priority shall be given to school projects needed in the judgment of said board to replace or renovate a building which is structurally unsound or otherwise in a condition seriously jeopardizing the safety of school children, where no alternative exists; (2) priority shall be given to school projects needed in the judgment of said board to prevent severe overcrowding expected to result from increased enrollments or to eliminate existing severe overcrowding; (3) priority shall be given to school projects needed in the judgment of said board to prevent loss of accreditation; (4) priority shall be given to any school project needed in the judgment of said board for the replacement, renovation or modernization of the heating system in any schoolhouse to increase energy conservation and decrease energy related costs in said schoolhouse; and (5) priority shall be given to school projects needed in the judgment of said board to replace, or add to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements. Notwithstanding the provisions of section eight, the board may defer its approval or disapproval of any project application for more than ninety days from receipt of the project application if such deferral is necessary for the effective implementation of the provisions of this section. The board may issue regulations to define the procedures pursuant to which the priorities established by this section will be implemented.

Section 11. (a) In order to maximize the cost effective production of efficient and creative school projects the board shall require that every school project conform to the following standards and procedures: (1), that the applicant fully consider all available options for satisfying the described need, including tuition agreements with adjacent school districts, rental or acquisition and any necessary rehabilitation or usage modification of any existing building which could be made available for school use; (2), that the applicant's site selection is based on the cost and environmental factors including an awareness of soil conditions and their probable effect on foundation and site development costs, transportation effects, dislocation of site occupants and relationship to other community facilities; (3), that the applicant enter into contracts, using forms satisfactory to the board, for such competent architectural, engineering and other services as may be required; (4), that procedures

satisfactory to the state board are followed by the applicant throughout the planning and construction of the project such as will assure maximum attention to the cost effects of program and design decisions, materials and systems selections.

(b) The board shall issue annually, as hereinafter provided, minimum program standards and minimum cost standards for all proposed school projects. These standards may take into account the type and location of a proposed school project. The program standards shall define minimum space requirements for each specified program activity eligible for state financial assistance. The minimum program standards shall, in the judgment of the board, be at least in conformity with the minimum requirements of state law and shall also reflect consideration of cost effects, prevailing educational standards in the commonwealth and the needs of efficient and creative school projects. The cost standards shall be based on the price experience of recently completed and recently bid school projects, taking into account the cost effectiveness of design, construction and programming techniques utilized in such school projects. For the purpose of calculating the total construction grant under section twelve, the estimated approved cost and the final approved cost for a school project shall not exceed the cost that would result if the project conformed to minimum program standards and minimum unit costs. The provisions of this section shall not be deemed to preclude a city, town or regional school district from including in an approved school project such facilities or design as it determines, in addition to those required to conform to minimum program standards and minimum unit costs; provided, however, that the cost of such additional facilities and design shall not be included in the estimated cost and final approved cost on the basis of which the state construction grant is calculated.

(c) After compliance with section three of chapter thirty A of the General Laws, the board shall not later than the first day of March in each year adopt interim regulations, including minimum program standards and minimum cost standards, for the implementation of this section. Forthwith upon the adoption of such regulations, the said board shall file a copy thereof with the clerk of the house of representatives who shall refer such regulations to an appropriate committee of the general court. Within thirty days after such filing, the said committee may hold a public hearing on the regulations, shall issue a report, and file a copy thereof with the board. Said board shall adopt final regulations making such revisions in the interim regulations as it deems appropriate in view of such report and shall forthwith file a copy of the regulations with the chairperson of the committee of the general court to which the interim regulations were referred and not earlier than thirty days after the date of such filing, the board shall file the final regulations with the state secretary and the said regulations shall thereupon take effect.

Section 12. (a) From time to time, the commissioner shall certify to the comptroller, and the state treasurer shall, within thirty days after each such certification, pay to the several cities, towns and regional school districts from any amounts appropriated therefor, the amounts

---

ACTS, 1987. – Chap. 746.

due them in accordance with approved school construction grants. Other than for grants to assist cities, towns and regional school districts eliminating racial imbalance, the total construction grant to be paid to cities, towns and regional school districts on account of projects approved after the effective date of this act shall be based on the following percentages; provided, however, that no grant shall be approved for any amount less than fifty per cent nor greater than ninety per cent of total construction costs; and provided, further, that, notwithstanding the provisions of section nineteen of this chapter, the percentages listed in this subsection shall be effective only until June thirtieth, nineteen hundred and ninety:

MUNICIPALITY	REIMBURSEMENT PERCENTAGE
ABINGTON	76%
ACTON	63%
ACUSHNET	79%
ADAMS	78%
AGAWAM	71%
ALFORD	60%
AMESBURY	75%
AMHERST	67%
ANDOVER	60%
ARLINGTON	63%
ASHBURNHAM	76%
ASHBY	76%
ASHFIELD	73%
ASHLAND	65%
ATHOL	80%
ATTLEBORO	74%
AUBURN	69%
AVON	63%
AYER	87%
BARNSTABLE	64%
BARRE	80%
BECKET	59%
BEDFORD	57%
BELCHERTOWN	76%
BELLINGHAM	76%
BELMONT	60%
BERKLEY	83%
BERLIN	69%
BERNARDSTON	72%
BEVERLY	64%
BILLERICA	67%
BLACKSTONE	81%
BLANDFORD	69%
BOLTON	60%

---

ACTS, 1987. – Chap. 746.

MUNICIPALITY	REIMBURSEMENT PERCENTAGE
BOSTON	66%
BOURNE	64%
BOXBOROUGH	58%
BOXFORD	63%
BOYLSTON	65%
BRAINTREE	61%
BREWSTER	65%
BRIDGEWATER	73%
BRIMFIELD	78%
BROCKTON	80%
BROOKFIELD	84%
BROOKLINE	61%
BUCKLAND	76%
BURLINGTON	58%
CAMBRIDGE	62%
CANTON	61%
CARLISLE	60%
CARVER	83%
CHARLEMONT	78%
CHARLTON	78%
CHATHAM	57%
CHELMSFORD	64%
CHELSEA	85%
CHESHIRE	78%
CHESTER	76%
CHESTERFIELD	70%
CHICOPEE	72%
CHILMARK	52%
CLARKSBURG	85%
CLINTON	73%
COHASSET	60%
COLRAIN	77%
CONCORD	57%
CONWAY	69%
CUMMINGTON	69%
DALTON	69%
DANVERS	64%
DARTMOUTH	69%
DEDHAM	62%
DEERFIELD	64%
DENNIS	58%
DIGHTON	74%
DOUGLAS	77%
DOVER	55%
DRACUT	71%
DUDLEY	74%
DUNSTABLE	65%

---

ACTS, 1987. – Chap. 746.

MUNICIPALITY	REIMBURSEMENT PERCENTAGE
DUXBURY	67%
EAST BRIDGEWATER	80%
BEAST BROOKFIELD	74%
EAST LONGMEADOW	65%
EASTHAM	63%
EASTHAMPTON	74%
EASTON	70%
EDGARTOWN	56%
EGREMONT	59%
ERVING	56%
ESSEX	66%
EVERETT	60%
FAIRHAVEN	72%
FALL RIVER	86%
FALMOUTH	62%
FITCHBURG	80%
FLORIDA	63%
FOXBOROUGH	68%
FRAMINGHAM	60%
FRANKLIN	69%
FREETOWN	74%
GARDNER	76%
GAY HEAD	61%
GEORGETOWN	71%
GILL	71%
GLOUCESTER	66%
GOSHEN	68%
GOSNOLD	50%
GRAFTON	68%
GRANBY	75%
GRANVILLE	74%
GREAT BARRINGTON	69%
GREENFIELD	76%
GROTON	67%
GROVELAND	72%
HADLEY	62%
HALIFAX	76%
HAMILTON	66%
HAMPDEN	72%
HANCOCK	65%
HANOVER	69%
HANSON	79%
HARDWICK	80%
HARVARD	61%
HARWICH	61%
HATFIELD	67%
HAVERHILL	73%



---

ACTS, 1987. – Chap. 746.

MUNICIPALITY	REIMBURSEMENT PERCENTAGE
HAWLEY	62%
HEATH	70%
HINGHAM	61%
HINSDALE	67%
BHOLBROOK	73%
HOLDEN	70%
HOLLAND	70%
HOLLISTON	68%
HOLYOKE	86%
HOPEDALE	71%
HOPKINTON	63%
HUBBARDSTON	69%
HUDSON	70%
HULL	71%
HUNTINGTON	85%
IPSWICH	62%
KINGSTON	70%
LAKEVILLE	71%
LANCASTER	71%
LANESBOROUGH	70%
LAWRENCE	89%
LEE	66%
LEICESTER	83%
LENOX	4%
LEOMINSTER	69%
LEVERETT	67%
LEXINGTON	59%
LEYDEN	70%
LINCOLN	54%
LITTLETON	61%
LONGMEADOW	64%
LOWELL	77%
LUDLOW	73%
LUNENBURG	70%
LYNN	77%
LYNNFIELD	62%
MALDEN	71%
MANCHESTER	60%
MANSFIELD	67%
MARBLEHEAD	61%
MARION	60%
MARLBOROUGH	62%
MARSHFIELD	67%
MASHPEE	58%
MATTAPOISETT	65%
MAYNARD	65%
MEDFIELD	63%

---

ACTS, 1987. – Chap. 746.

MUNICIPALITY	REIMBURSEMENT PERCENTAGE
MEDFORD	68%
MEDWAY	69%
MELROSE	67%
MENDON	67%
MERRIMAC	76%
METHUEN	70%
MIDDLEBOROUGH	79%
MIDDLEFIELD	71%
MIDDLETON	63%
MILFORD	72%
MILLBURY	72%
MILLIS	65%
MILLVILLE	83%
MILTON	61%
MONROE	63%
MONSON	79%
MONTAGUE	75%
MONTEREY	56%
MONTGOMERY	76%
MOUNT WASHINGTON	51%
NAHANT	59%
NANTUCKET	50%
NATICK	59%
NEEDHAM	58%
NEW ASHFORD	53%
NEW BEDFORD	89%
NEW BRAINTREE	80%
NEW MARLBOROUGH	61%
NEW SALEM	79%
NEWBURY	69%
NEWBURYPORT	68%
NEWTON	60%
NORFOLK	67%
NORTH ADAMS	87%
NORTH ANDOVER	63%
NORTH ATTLEBOROUGH	72%
NORTH BROOKFIELD	79%
NORTH READING	64%
NORTHAMPTON	70%
NORTHBOROUGH	66%
NORTHBRIDGE	83%
NORTHFIELD	67%
NORTON	78%
NORWELL	65%
NORWOOD	59%
OAK BLUFFS	58%
OAKHAM	78%

---

ACTS, 1987. – Chap. 746.

MUNICIPALITY	REIMBURSEMENT PERCENTAGE
ORANGE	88%
ORLEANS	56%
OTIS	57%
OXFORD	80%
PALMER	77%
PAXTON	66%
PEABODY	66%
PELHAM	68%
PEMBROKE	73%
PEPPERELL	73%
PERU	72%
PETERSHAM	66%
PHILLIPSTON	68%
PITTSFIELD	68%
PLAINFIELD	72%
PLAINVILLE	67%
PLYMOUTH	64%
PLYMPTON	71%
PRINCETON	71%
PROVINCETOWN	60%
QUINCY	63%
RANDOLPH	66%
RAYNHAM	73%
READING	66%
REHOBOTH	75%
REVERE	68%
RICHMOND	64%
ROCHESTER	78%
ROCKLAND	77%
ROCKPORT	64%
ROWE	50%
ROWLEY	67%
ROYALSTON	81%
RUSSELL	76%
RUTLAND	78%
SALEM	65%
SALISBURY	66%
SANDISFIELD	60%
SANDWICH	60%
SAUGUS	67%
SAVOY	82%
SCITUATE	64%
NSEEKONK	70%
SHARON	67%
SHEFFIELD	68%
SHELBURNE	74%
SHERBORN	60%

---

ACTS, 1987. – Chap. 746.

MUNICIPALITY	REIMBURSEMENT PERCENTAGE
SHIRLEY	68%
SHREWSBURY	64%
SHUTESBURY	68%
SOMERSET	62%
SOMERVILLE	70%
SOUTHHADLEY	69%
SOUTHAMPTON	74%
SOUTHBOROUGH	63%
SOUTHBRIDGE	87%
SOUTHWICK	81%
SPENCER	80%
SPRINGFIELD	86%
STERLING	71%
STOCKBRIDGE	56%
STONEHAM	63%
STOUGHTON	70%
STOW	64%
STURBRIDGE	66%
SUDBURY	64%
SUNDERLAND	67%
SUTTON	73%
SWAMPSCOTT	62%
SWANSEA	75%
TAUNTON	83%
TEMPLETON	79%
TEWKSBURY	70%
TISBURY	59%
TOLLAND	51%
TOPSFIELD	61%
TOWNSEND	73%
TRURO	57%
TYNGSBOROUGH	71%
TYRINGHAM	54%
UPTON	71%
UXBRIDGE	76%
WAKEFIELD	64%
WALES	84%
WALPOLE	63%
WALTHAM	62%
WARE	77%
WAREHAM	72%
WARREN	83%
WARWICK	70%
WASHINGTON	70%
WATERTOWN	60%
WAYLAND	61%
WEBSTER	71%

---

ACTS, 1987. – Chap. 746.

MUNICIPALITY	REIMBURSEMENT PERCENTAGE
WELLESLEY	57%
WELLFLEET	57%
WENDELL	84%
WENHAM	58%
WEST BOYLSTON	64%
WEST BRIDGEWATER	69%
WEST BROOKFIELD	71%
WEST NEWBURY	70%
WEST SPRINGFIELD	66%
WEST STOCKBRIDGE	69%
WEST TISBURY	52%
WESTBOROUGH	55%
WESTFIELD	73%
WESTFORD	65%
WESTHAMPTON	72%
WESTMINSTER	69%
WESTON	53%
WESTPORT	70%
WESTWOOD	59%
WEYMOUTH	67%
WHATELY	67%
WHITMAN	81%
WILBRAHAM	67%
WILLIAMSBURG	69%
WILLIAMSTOWN	64%
WILMINGTON	65%
WINCHENDON	87%
WINCHESTER	63%
WINDSOR	63%
WINTHROP	65%
WOBURN	62%
WORCESTER	77%
WORTHINGTON	70%
WRENTHAM	70%
YARMOUTH	61%

(b) Notwithstanding other provisions of this section, in the case of approved school projects to eliminate racial imbalance under the provisions of section one I of chapter fifteen of the General Laws, the reimbursement percentage shall be ninety per cent. The board may, upon request of a city, town, or regional school district eligible under the provisions of said section one I for additional assistance, make payments due to such city, town, county or regional school district on an unequal annual payment schedule, said schedule to be subject to the approval of the board.

(c) Notwithstanding other provisions of this section, in the case of an

approved school project involving an urban-suburban collaborative school, the reimbursement percentage for site acquisition or for the construction, enlargement or original equipping, reconstruction, renovation or improvement of a school building, including the replacement of a roof or heating plant, shall be ninety per cent.

**Section 13.** (a) In the case of any approved school project to be financed in whole or in part from the proceeds of any sale of bonds or notes, the total construction grant shall be paid annually in equal parts to be determined by dividing the total grant by the number of years during which any indebtedness incurred for such project shall remain outstanding; provided, however, that if such number of years is less than five, the total grant shall be paid annually in five equal parts, and the payments hereinabove provided for shall begin in the fiscal year next following the fiscal year in which the construction of such project has been commenced. In the case of any approved school project which is not to be financed from the proceeds of any sale of bonds or notes, the total grant shall be paid annually in five equal parts beginning in the calendar year in which the construction of such project has been commenced.

(b) Notwithstanding any provisions to the contrary contained in the preceding paragraph, in the case of any approved school project of a city or town for which seventy-five thousand dollars or more has been appropriated from its stabilization fund under the provisions of section five B of chapter forty of the General Laws or, in the case of an approved school project of a regional school district for which seventy-five thousand dollars or more has been appropriated in the aggregate by the member towns from their stabilization funds, the total construction grant shall be paid in the following manner: a sum equal to the amount so appropriated shall be paid in the year in which construction of such project has been commenced, such payment to be called the matching stabilization fund payment, but in no event shall such payment exceed one hundred thousand dollars or three-fourths of the estimated amount of the construction grant, whichever is less, and the remainder of such construction grant shall be paid annually in equal parts to be determined by dividing such remainder by the number of years during which any indebtedness incurred for such project shall remain outstanding; provided, however, that if such number of years is less than five, or if the project is not to be financed from the proceeds of any sale of bonds or notes, such remainder shall be paid annually in five equal parts; and in the case of a project for which indebtedness is incurred, the annual payments hereinabove provided shall begin in the calendar year in which the first payment of principal on account of such indebtedness shall become due and payable, and in the case of a project which is not to be financed from the proceeds of any sale of bonds or notes, in the calendar year in which the construction of such project has been commenced. The provisions of this paragraph shall not apply unless the amount appropriated from the stabilization fund for the school project or the aggregate amount appropriated therefor from the stabilization funds of all the member towns of a regional school district

was contained in such fund or funds on December thirty-first of the year next prior to the date of the appropriation therefrom. The entire matching stabilization fund payment shall be applied to the cost of the school project; provided, however, that whenever a school project has been approved by the board, the treasurer of the city, town or regional school district with the approval of the mayor, selectmen or regional district school committee may incur debt outside the debt limit in anticipation of the proceeds of such payment and may issue notes therefor payable in not more than one year from their dates. Any such loan issued under this paragraph for a shorter period may be refunded by the issue of other notes maturing within one year from the date of the original loan being refunded.

Section 14. (a) Notwithstanding the provisions of section thirteen of this act, the method of payment for approved school projects which satisfy the requirements of subsection (b), or in the case of an approved school project to eliminate racial imbalance under the provisions of section one I of chapter fifteen of the General Laws, which satisfy the requirements of subsection (c), or in the case of an urban-suburban collaborative school, which satisfy the requirements of subsection (d), shall be paid as follows: the commonwealth shall annually pay that portion of its share of the total construction grant, as defined in section 3, which the city, town, regional school district, or urban-suburban collaborative school has expended in the past fiscal year in payment of the costs of an approved school project. The comptroller shall annually certify the amounts so paid by the city, town, or regional school districts, and shall notify the treasurer of such certification.

(b) The board shall determine (1) whether the general court has appropriated or authorized the borrowing of sufficient funds to permit the commonwealth to pay its portion of the total construction grant in accordance with the provisions of this section, and (2) whether the city, town, or regional school district has appropriated sufficient funds (i) to pay all of the estimated local share of the cost of the project, and (ii) to cover the total costs of construction until the receipt of annual reimbursements from the commonwealth, and (3) whether the credit rating, if any, assigned to the most recent debt obligation of the city, town or regional school district by a nationally recognized municipal rating agency is at least one grade lower than the most recent debt rating assigned to the commonwealth; provided, however, that if in the opinion of the board the credit rating assigned to the most recent debt obligation of the city, town, or regional school district is not reflective of the credit rating that would most likely be assigned to a debt obligation for the approved school project under consideration, the board may, in making its determination, look at other factors regarding the financial status of the city, town, or regional school district which are better predictors of such likely credit rating, and (4) whether the estimated aggregate bond issue for all approved school projects within a city, town, or regional school district shall exceed ten million dollars. If the board determines with regard to each of these findings that the requirements set forth herein have been met, then the board shall notify

the comptroller of such findings.

(c) In the case of an approved school project to eliminate racial imbalance, the board shall determine (1) whether the general court has appropriated or authorized the borrowing of sufficient funds to permit the commonwealth to pay its portion of the total construction grant in accordance with the provisions of this section, and (2) whether the city or town has appropriated sufficient funds (i) to pay all of the estimated local share of the cost of the project, and (ii) to cover the total costs of construction until the receipt of annual reimbursements from the commonwealth, and (3) whether the credit rating, if any, assigned to the most recent debt obligation of the city, town or regional school district by a nationally recognized municipal rating agency is at least one grade lower than the most recent debt rating assigned to the commonwealth; provided, however, that if in the opinion of the board the credit rating assigned to the most recent debt obligation of the city, town, or regional school district is not reflective of the credit rating that would most likely be assigned to a debt obligation for the approved school project under consideration, the board may, in making its determination, look at other factors regarding the financial status of the city, town, or regional school district which are better predictors of such likely credit rating. If the board determines with regard to each of these findings that the requirements set forth herein have been met, then the board shall notify the comptroller of such findings.

(d) In the case of an approved school project involving an urban-suburban collaborative school the board shall determine (1) whether the general court has appropriated or authorized the borrowing of sufficient funds to permit the commonwealth to pay its portion of the total construction grant in accordance with the provisions of this section, and (2) whether the municipalities participating in the urban-suburban collaborative school have appropriated sufficient funds (i) to pay all of the estimated local share of the cost of the project, and (ii) to cover the total costs of construction until the receipt of annual reimbursements from the commonwealth. If the board determines with regard to each of these findings that the requirements set forth herein have been met, then the board shall notify the comptroller of such findings.

(e) The board and the comptroller shall promulgate rules and regulations with regard to the findings and certifications required to effectuate the provisions of this section.

Section 15. (a) Any city, town or regional school district which leases the whole or part of a building for a period of not less than five years for the purpose of maintaining a vocational education program under the provisions of chapter seventy-four of the General Laws may apply to the board for reimbursement in part for the rental due under the lease and the cost of originally equipping and furnishing the leased building; provided, however, that such lease has been approved by the board. The amount of reimbursement shall be determined by adding together the entire rental to be paid during the term of the lease and the entire cost of initially equipping and furnishing the leased building and multiplying



the result by the same percentage to which such city, town or regional school district would be entitled had the lease been an approved school project under the provisions of subsections (c) and (d) of section twelve. Such reimbursement shall be paid annually in equal parts by dividing the total reimbursement by the number of years during which the lease will remain outstanding, the first payment to begin in the fiscal year next following the fiscal year in which the term of the lease commences. The board shall certify to the comptroller the amounts due to any city, town or regional school district under this section and payment thereof shall be made subject to appropriation by the state treasurer.

(b) Any city, town or regional school district which received payments under this section shall not include the same expenses in the reimbursements payable under section nine of chapter seventy-four of the General Laws.

Section 16. (a) Any city or town which is newly admitted to a regional school district may be reimbursed by the board for part of the amount which such city or town is required to pay for such admission, subject to the limitations and in the manner prescribed by this section. The board shall:

(1) determine the cost of constructing and originally equipping the regional school building, including the cost of any addition constructed thereto. Included in such cost shall be (a) the cost of construction, either under this chapter or as determined by the board, or the most recently estimated cost of construction in the case where no such final cost of construction has been determined and (b) other capital and maintenance costs not to exceed five per cent of the costs in clause (a) as may be allowed by the board, and (c) the interest costs incurred on account of borrowing for the purpose of financing said school construction. Upon the determination of the above sum, the board shall deduct the amount of state aid paid to the regional school district on account of such construction and other capital costs;

(2) determine the cost per student of such construction and other capital cost by dividing the cost figure arrived at in subsection (1) by the number of students the buildings and additions, if any, can safely and adequately accommodate as determined by the board; and

(3) determine the number of new students to be accommodated because of the admission of the new member city or town and that number, multiplied by the cost per student arrived at in subsection (2) shall comprise the maximum approvable amount upon which the board shall base its grant for reimbursement to the newly admitted member; provided, however, that if the amount which the newly admitted member is required to pay to the regional school district as a condition of membership is less than the maximum approvable amount upon which the board shall base its grant amount as determined above, the lesser amount shall be the maximum approvable amount upon which the board shall base its grant for reimbursement to the newly admitted member.

(b) The amount required to be paid to the regional school district by the newly admitted member as a condition of membership may be paid in equal annual payments made over a period of time, as specified in the

amendment to the regional school district agreement by which the new member was admitted to the regional school district and approved by the commissioner of education.

(c) Any such city or town acquiring membership in an existing regional school district shall receive a grant based upon a percentage of the amount determined to be the base amount upon which the state reimbursement shall be computed as prescribed above. The percentage to be applied against such amount shall be the greater of (1) the percentage applicable to the district as determined under subsection (a) of section twelve, as though such city or town were not a member of the regional school district, or (2) the percentage applicable to the district as determined under said subsection (a) as though such city or town were a member of the district.

(d) The grant shall be paid to such city or town in equal annual payments, over the same number of years during which such city or town is required to pay the amount of its admission, as specified in the amendment to the regional school district agreement by which such city or town was admitted, but in no case shall the number of annual payments by the commonwealth be fewer than five nor more than twenty. Such annual payments shall be certified by the board to the comptroller and the state treasurer shall, within thirty days after such certification, apply to such city or town the amount due from any funds which have been appropriated for the payment of annual payments to cities, towns and regional school districts.

(e) In instances where the board determines that enlarged or additional facilities are required in an existing regional school district to accommodate students of a city or town acquiring membership in said existing regional school district under this section, any construction grant awarded by the board shall be based upon the greater of (1) the percentage applicable to the district as determined under subsection (a) of section twelve as though such city or town were not a member of the regional school district, or (2) the percentage applicable to the district as determined under said subsection (a) as though such city or town were a member of the district. The provisions of this section shall apply to amendments to regional school agreements approved on or after January first, nineteen hundred and eighty-one.

Section 17. (a) In the event that a city, town, or regional school district, sells or leases an assisted structure or facility, on account of which it is receiving grant payments pursuant to this chapter, the net proceeds from the sale or lease shall be divided between the commonwealth and the general funds of the city, town, or regional school district involved, in proportion to the commonwealth's prior investment in the assisted structure or facility under the provisions of this chapter. The commonwealth's share of the net proceeds shall reduce the balance of outstanding grant payments that would otherwise be payable except for the provisions of this section, and shall not exceed such amount. Any city, town, or regional school district which sells, leases, or otherwise removes from use by said city, town, or regional school district as a schoolhouse any approved school project on account

of which it is receiving grant payments pursuant to this chapter shall report such sale, lease, or removal to the commissioner in the form and manner and within the time prescribed by the commissioner.

(b) In the event that a city, town or regional school district sells or leases an assisted structure or that the assisted structure was not used as a schoolhouse for at least half of the preceding fiscal year, the amount of outstanding grant payments remaining after reductions under the provisions of subsection (a), shall be deducted from each city, town or regional school district's cherry sheets, so-called, as an assessment in accordance with the provisions of section twenty-one of chapter fifty-nine of the General Laws, according to a schedule agreed to between the city or town and the commissioner; provided, however, that at the discretion of the commissioner, deductions authorized from said cherry sheets under the provisions of this subsection may continue for an assisted structure or facility which has been removed from use as a schoolhouse by a city, town or regional school district, pursuant to a plan approved by said city, town or regional school district and the commissioner, which provides for the reuse of the assisted structure or facility as a schoolhouse within two years of the adoption of the plan or prior to the expiration of the term of any bonds or notes issued to finance the project for which the grant was approved, whichever is the earliest.

(c) Any city, town, or regional school district which applies for a grant pursuant to this chapter and which has, prior to such application, sold, leased or otherwise removed from service any schoolhouse operated by said city, town, or regional school district shall be eligible for such grant only if the commissioner determines either that the grant is not for the purpose of replacing a schoolhouse sold, leased, or otherwise removed from service in the past ten years or that the need for the project covered by the grant could not have reasonably been anticipated at the time that such schoolhouse was sold, leased, or otherwise removed from service.

(d) The provisions of this section, at the discretion of the commissioner, shall not apply to sales or leases of such assisted structures or facilities for nonprofit public purposes.

Section 18. (a) Each November first, beginning with November first, nineteen hundred and eighty-eight, the commissioner shall submit a report to the governor, the secretary of administration and finance, the house and senate committees on ways and means and the joint committee on education which analyzes the anticipated needs for school capital projects of kinds that are reimbursable under this act in the fiscal year commencing July first of each year, beginning with July first, nineteen hundred and eighty-nine, and which recommends annual authorization levels for new projects to be approved in each fiscal year.

(b) The commissioner, in conjunction with the board, shall in addition undertake a planning process to identify every school building within the commonwealth that is likely to require construction, enlargement, reconstruction, rehabilitation, or improvement due to such factors as deteriorating school buildings, lack of adequate facilities to meet

---

ACTS, 1987. - Chap. 746.

educational standards, and anticipated increases in school age populations. The commissioner shall report on the planning process by November first, nineteen hundred and eighty-nine in the report to be submitted under subsection (a).

Section 19. This act shall cease to be operative on June thirtieth, nineteen hundred and ninety-five, except that the payments provided by sections twelve to fifteen inclusive, shall continue thereafter by the state treasurer, subject to appropriation, in accordance with the provisions of those sections, on certification by the commissioner of education.

Section 20. Notwithstanding the provisions of section twelve, any city, town or regional school district which, prior to the effective date of this act has approved by town meeting, council meeting or city council, county commissioners' or regional district school committee vote, funding for a school construction project, shall receive the same grant to which it would have been entitled under the provisions of chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight, in effect immediately prior to the effective date of this act; provided, however, that any city, town or regional school district which approved such funding prior to such effective date, and which is faced with increasing costs, which are not the result of any significant changes in the scope of the authorized building project as determined by the commissioner, may seek additional funding authority subsequent to this enactment, and shall receive the same grant to which it would have been entitled to under the provisions of this act, in effect immediately prior to the effective date of this act.

Section 21. The provisions of this act shall not affect the terms of payment of any grant approved by the board prior to this enactment, except as provided in section seventeen of this act.

**SECTION 3.** Section 2 of chapter 199 of the acts of 1987 is hereby amended by striking out item 7052-0004 and inserting in place thereof the following item:-

Item

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, including therein the amount of the first annual estimated payments to a city, town, regional school district, and the first annual estimated payment on any notes or bonds issued by the

commonwealth for the purpose of funding projects through the alternative funding mechanism set forth in section fourteen of said chapter, for school projects approved by the board of education under the provisions of said chapter in the fiscal year ending June thirtieth, nineteen hundred and eighty-eight shall not exceed twenty-one million dollars, of which not more than sixty per cent 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 \$7,500,000

**SECTION 4.** The board of education shall review, in conjunction with a committee comprised of municipal officials, school committee members and legislators, the order of priorities established by section eight B, the standards and procedures established by section eight C, and the methods by which said board can implement more effectively appropriate priorities for grant application. The board on or before April first, nineteen hundred and eighty-eight, shall submit a report summarizing the conclusions of said review and containing recommendations for implementing said conclusions to the governor, the secretary of administration and finance, the house and senate committees on ways and means, and the joint committee on education.

**SECTION 5.** 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 under section fourteen of chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight 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-seven. Notes and interest thereon issued under the authority of this section shall be general obligations of the commonwealth, and shall be payable from the Local Aid Fund.

**SECTION 6.** To meet the expenditures necessary in carrying out the provisions of section fourteen of chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight, the state treasurer shall from time to time, upon the request of the governor, issue and sell bonds of the commonwealth to an amount specified by the governor, but not exceeding, in the aggregate, the sum of seventy-five million dollars. All

bonds so issued by the commonwealth shall be designated on their face, School Building Assistance, Act of 1987, and shall, in accordance with the recommendations that the governor shall submit pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, be issued for maximum terms not exceeding twenty years, and be payable not later than June thirtieth, two thousand and seventeen. All interest and payments on account of principal of such obligations shall be payable from the Local Aid Fund. Bonds issued under the authority of this section and the interest thereon shall be general obligations of the commonwealth.

**SECTION 7.** Said chapter 199 is hereby further amended by striking out section 95 and inserting in place thereof the following section:-

**Section 95.** Notwithstanding the provision of any general or special law to the contrary, the board of education shall submit reports to the house and senate committees on ways and means, the joint committee on education, and the commissioner of administration detailing individual project expenditures in fiscal year nineteen hundred and eighty-eight under the provisions of items 7052-0004, 7052-0005, and 7052-0006 of section two of this act. Said report shall also list by school district the amount of approvals for school building assistance bureau grants as authorized by item 7052-0004 of said section two in fiscal year nineteen hundred and eighty-eight to be paid in nineteen hundred and eighty-nine. Said grant shall not exceed an authorization level of twenty-one million dollars for fiscal year nineteen hundred and eighty-eight to be paid in fiscal year nineteen hundred and eighty-nine.

**SECTION 8.** This act shall take effect upon its passage.

Approved January 14, 1988.

---

**Chapter 747. AN ACT RELATIVE TO THE CONSTRUCTION, RENOVATION, 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, as amended by section 1 of chapter 29 of the acts of 1987, and inserting in 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 said plans and specifications shall be so drawn that the total cost for construction, renovations, equipping and furnishing of said facilities, including architect's fees and expenses connected therewith, shall not exceed eight million four hundred and twenty thousand dollars.

---

**ACTS, 1987. – Chaps. 748, 749.**

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

Approved January 14, 1988.

---

**Chapter 748. AN ACT RELATIVE TO THE ALLEVIATION OF THE FINANCIAL BURDEN IMPOSED ON THE TOWN OF SOUTHBRIDGE BY A FIRE ON APRIL SIXTEENTH, NINETEEN HUNDRED AND EIGHTY-SEVEN.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 2 of chapter 199 of the acts of 1987 is hereby amended by inserting after item 3722-9018 the following item:-

3722-9020 For a grant to provide disaster relief to meet the expense of restoring equipment and recompensating police, fire, public works and other public services for expenses incurred as a result of the fire on April sixteenth, nineteen hundred and eighty-seven in the town of Southbridge; provided, however, that the town manager of said town shall allocate the funds; and provided, further, that this appropriation shall expire June thirtieth, nineteen hundred and eighty-eight provided, that no expenditure shall be made from these funds for the purpose of acquiring real estate \$672,000

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

Approved January 14, 1988.

---

**Chapter 749. AN ACT PROVIDING FOR CERTAIN PLANNING ASSISTANCE TO THE TOWN OF SOUTHBRIDGE.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 2 of chapter 199 of the acts of 1987 is hereby amended by inserting after item 3722-9109 the following item:-

3722-9110 For a grant for planning activities in the town of Southbridge in connection with the recovery from the fire of April sixteenth, nineteen hundred and eighty-seven, said funds to be allocated by the town manager of said town, as he deems necessary; provided, however,

---

**ACTS, 1987. – Chap. 750.**

that such appropriations shall expire on June thirtieth, nineteen hundred and eighty-eight provided, that no expenditure shall be made from these funds for the purpose of acquiring real estate \$275,000

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

Approved January 14, 1988.

---

**Chapter 750. AN ACT ESTABLISHING A LIABILITY INSURANCE FUND IN THE TOWN OF YARMOUTH.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, the town of Yarmouth may appropriate in each fiscal year an amount not exceeding one-twentieth of one per cent of its equalized valuation as defined in section one of chapter forty-four of the General Laws to establish and maintain a special fund to be known as the Town of Yarmouth's Liability Insurance Fund; provided, however, that no such appropriation may be made in any fiscal year when the aggregate amount in said Fund equals or exceeds one per cent of such equalized valuation. Any interest earned on the amount appropriated to said Fund shall be added to and become part of said Fund.

The treasurer of said town shall be the custodian and administrator of said Fund and may deposit or invest said Fund in such a manner as may be lawful under section fifty-four of said chapter forty-four for the investment of municipal trust funds.

Said treasurer shall pay from the amount in said Fund including the interest thereon such amounts as the board of selectmen for said town determines to be necessary from time to time to settle claims against said town and to cover costs of defending said town against such claims including without limitation the costs of employing legal counsel, court costs and filing fees. Any amount in said Fund which is not paid out by the treasurer in accordance with this act which remains in the Fund at the end of a fiscal year shall be added to the Fund to be paid out by the said treasurer in subsequent years in accordance with this act. No more than ten thousand dollars may be expended for any claim under this act without appropriation.

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

Approved January 14, 1988.



**Chapter 751. AN ACT ESTABLISHING A LIABILITY INSURANCE FUND IN THE TOWN OF WELLESLEY.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, the town of Wellesley may appropriate in each fiscal year an amount not exceeding one-twentieth of one per cent of its equalized valuation as defined in section one of chapter forty-four of the General Laws to establish and maintain a special fund to be known as the Town of Wellesley's Liability Insurance Fund; provided, however, that no such appropriation may be made in any fiscal year when the aggregate amount in said Fund equals or exceeds one per cent of such equalized valuation. Any interest earned on the amount appropriated to said Fund shall be added to and become part of said Fund.

The treasurer of said town shall be the custodian and administrator of said Fund and may deposit or invest said Fund in such manner as may be lawful under the provisions of section fifty-four of said chapter forty-four for the investment of municipal trust funds.

Said treasurer shall pay from the amount in said Fund, including the interest thereon, said amounts as the board of selectmen of said town shall determine, upon the favorable recommendation of the town counsel, to be necessary from time to time to settle claims against the said town and to cover the costs of defending said town against such claims including without limitation the costs of employing legal counsel, court costs and filing fees. Not more than ten thousand dollars may be expended for any claim under this act without appropriation. Said treasurer shall, subject to appropriation, pay from the amount in the fund, including the interest thereon, such amounts as the board of selectmen of said town shall determine are necessary to effect insurance to protect said town against some or all of such claims. Any amount in said Fund which is not paid out by said town treasurer in accordance with this act which remains in said Fund at the end of a fiscal year shall be added to said Fund to be paid out by said town treasurer in subsequent years in accordance with this act.

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

Approved January 14, 1988.

---

**Chapter 752. AN ACT RELATIVE TO THE ACQUISITION OF A LEASEHOLD INTEREST IN CERTAIN PROPERTY IN THE TOWN OF UXBRIDGE FOR A VISITOR CENTER FOR THE BLACKSTONE RIVER AND CANAL HERITAGE STATE PARK.**

Be it enacted, etc., as follows:

**SECTION 1.** The division of capital planning and operations, hereinafter "the Division" in consultation with the department of environmental management, hereinafter "the Department", is hereby authorized, subject to the provisions of sections 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 such terms and conditions as may be determined by said division in consultation with said department, one or more instruments to lease from Depot Street Associates, hereinafter "the lessor", of Titopa Farm, Orange Street, Douglas Massachusetts, a portion of the property owned by the lessor off Mendon Street (state numbered Route 16), Uxbridge Massachusetts known as the Bernat Mills complex. Said property includes a building described as the former Employment and Cafeteria Building containing twelve thousand square feet more or less of floor space and listed in the records of the Board of Assessors of the town of Uxbridge as appearing in Book No. 9321, page 289 and Book No. 9327, page 289 of the Registry of Deeds of the county of Worcester.

The division is authorized to lease said property for an original term of not more than thirty years, and may provide options to extend said lease term for two consecutive terms of ten years each; provided, however, that all additional renewals on leases for any further term of years shall require approval of the general court. Said lease shall be for not more than fair market value, but may be for comparable leases of a similar size and type facility in the local area, as determined by an independent appraisal.

Payment of said lease shall be determined by the division in consultation with the department; provided, however, should said lease be paid in a one lump sum payment and should said lessor lease, sub-lease, sell, assign, transfer, be foreclosed upon, or otherwise dispose of said property, said lease shall remain valid and be a part of any such lease, sub-lease, sale, assignment, transfer, foreclosure, or other disposition for the remainder of the original lease term and any extension terms thereof.

Should said division take the leasehold interest authorized by this act or the property described in this section by eminent domain at any time during the term of the original lease or during the term of any extensions or renewals thereof then any and all monies paid by said division or the department and required by said lease or leases during said terms to said lessor or any other lessor or entity shall be credited to the final date of such taking and shall be applied and subtracted from any monies due from said division or said department to said lessor or any other lessors or entities holding title to said property for such acquisition of said leasehold interest or property by said division.

The deputy commissioner of said 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 said division. The inspector general shall review and file comments and any recommendations thereto to the joint committee on state administration within fifteen business days of the receipt of such lease by the inspector general, and said inspector general shall deliver a copy of such comment and recommendations to the division. Said lease, 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 for recording and any and all other agreements and instruments related to the lease authorized hereby which the division may determine appropriate from time to time. Any such notice or 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.

**SECTION 2.** The department, in consultation and with the written approval of the deputy commissioner of the division shall exercise exclusive control of the building. Control of the adjacent grounds by the department shall be exclusive to the extent that any development by the lessor shall be prohibited; provided, however, that there shall be no interference with the rights of the other tenants of the lessor, their customers and suppliers to pass and repass over existing access way. It shall be further provided and a part of any lease authorized by section one of this act that the lessor take care to protect and prevent the leasing or use of the adjacent property in the mill complex to any entity or for any purpose which is incompatible with the use of that portion leased by the commonwealth; and especially where common access by all tenants may exist.

**SECTION 3.** The department shall have the right to renovate, improve, replace, or reconstruct any part, or the whole, of the demised building subject to the approval of the lessor, said approval shall not be unreasonably withheld. The lessor shall, at its own expense, remove an existing boiler facility adjacent to the building to be demised.

**SECTION 4.** The department shall be responsible for the landscaping and maintenance thereof of all demised adjoining grounds, and shall be responsible for maintaining in a safe and passable condition, all existing common access ways and walkways during snow conditions which are directly related to the building to be demised.

**SECTION 5.** The department shall be responsible for all utilities used by the demised building, provided however that if any utility serves an area greater than the demised building, the department shall only be responsible for a pro rata amount based on the ratio of the area of the demised building to the total area served by the utility. The lessor

agrees to maintain property and liability insurance in an amount and of a type, approved in writing by the deputy commissioner of the division, sufficient to protect the commonwealth and its leasehold interest from any action arising from a claim against any other tenant thereof and from any action arising from a claim against the total property known as the Bernat Mill Complex.

**SECTION 6.** The department shall have the right to remove a portion of the existing facade wall along the boundary of the lessor's property to provide additional public access to the demised premises.

**SECTION 7.** Prior to entering into negotiations for the lease the lessor and the department shall have petitioned and received authorization from the board of selectmen of the town of Uxbridge granting the department eminent domain authority as set forth in chapter seventy-nine of the General Laws, restricted to the leasehold interest as described in this act. Should the lessor and the department be unable to mutually agree on the lease payment sum to be paid, the department may exercise the eminent domain authority as provided in this section, and pay over to the lessor the amount as determined in section one of this act, and the lessor may pursue all of its rights as provided by chapter seventy-nine A.

The division is hereby authorized, if at any time it deems it to be necessary and in the best interest of the Commonwealth, to acquire all rights, title, and interest by eminent domain, or to acquire by purchase or otherwise, that portion of the parcel described in section one of this act and which shall be leased and used as the visitor center for the Blackstone River and Canal Heritage State Park.

**SECTION 8.** At least one hundred and twenty days prior to the execution of the lease, authorized by this act, the deputy commissioner of capital planning and operations shall notify in writing, the chairman of the board of selectmen of the town of Uxbridge, the county commissioners, the regional planning agency, and the members of the general court. Such one hundred and twenty day notification requirement may be shortened if: (1) the public officials referred to above agree to reduce the one hundred and twenty day period upon the request of the deputy commissioner; or (2) the deputy commissioner certifies in writing that an emergency exists, provided that deputy commissioner shall submit his certification to and notify the appropriate local officials of any such transaction at the first possible opportunity. The notice shall include a statement of the present use, the reason for the proposed action, and the proposed use of the property.

The deputy commissioner shall at least sixty days prior to the execution of said lease, cause a public hearing to be held, after giving timely notice, in the town of Uxbridge for the purpose of disclosing the conditions or reasons for the proposed action.

**SECTION 9.** No agreement to lease, executed in accordance with the

provisions of this act, and no renewal or extension of such agreement, shall be valid and no payment shall be made to the lessor of such property unless a statement, signed, under the penalties of perjury, has been filed by the lessor, and in the case of a corporation by a duly authorized officer thereof giving the true names and addresses of all persons who have or will have a direct or indirect beneficial interest in said property with the deputy commissioner of capital planning and operation. The provisions of this section shall not apply to any stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation.

A disclosure statement shall also be made in writing, under penalty of perjury, during the term of the lease agreement in case of any change of interest in such property, as provided for above, within thirty days of such change.

Any official elected to public office in the commonwealth, or any employee of the division of capital planning and operations disclosing beneficial interest in real property pursuant to this section, shall identify his position as part of the disclosure statement. The deputy commissioner shall notify the state ethics commission of such names, and shall make copies of any and all disclosure statements received available to the state ethics commission upon request.

The deputy commissioner shall keep a copy of each disclosure statement received available for public inspection during regular business hours.

**SECTION 10.** The department shall provide, without fee, office space within the demises property for use of the blackstone river and canal commission established under the provisions of chapter five hundred and sixty-eight of the acts of nineteen hundred and eighty-one. Said commission shall be accorded priority use of meeting facilities in the visitor center building.

**SECTION 11.** The department may, subject to the approval of the deputy commissioner of the division and of the commission, lease space within the demised premises to the Blackstone River Valley National Heritage Corridor Commission established under the authority of Public Law 99-647 or to such other governmental or nonprofit agencies as may be appropriate.

**SECTION 12.** This act shall take effect upon its passage.

Approved January 14, 1988.

---

**Chapter 753. AN ACT RELATIVE TO MUNICIPAL DRINKING WATER TREATMENT PLANTS.**

---

**ACTS, 1987. – Chaps. 754, 755.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately allow certain municipalities, commissions and districts to apply for grants relative to drinking water plants, 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:

Any city, town, water district or water and sewer commission owning a drinking water treatment facility which was under construction as of January first, nineteen hundred and eighty-seven, and which has not received state financial assistance for said project, shall be eligible for reimbursement of fifty per cent of the eligible construction cost of the facility under the provisions of chapter four hundred and six of the acts of nineteen hundred and seventy-eight and chapter two hundred and eighty-six of the acts of nineteen hundred and eighty-two and chapter seven hundred and eighty-six of the acts of nineteen hundred and eighty-five.

Upon receipt by any city, town, district or commission of funds from a judgment or settlement of litigation for damages to a public water supply including the construction of a drinking water treatment plant as an element of said damages, such city, town, district or commission shall, after paying all costs and expenses incurred in obtaining such judgment or settlement, reimburse the commonwealth from the funds so received up to the amount of the financial assistance received under the provisions of this act.

Approved January 14, 1988.

---

**Chapter 754. AN ACT RELATIVE TO THE SALE OF ALCOHOLIC BEVERAGES TO INTOXICATED PERSONS.**

Be it enacted, etc., as follows:

Chapter 138 of the General Laws is hereby amended by striking out section 69, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 69. No alcoholic beverage shall be sold or delivered on any premises licensed under this chapter to an intoxicated person.

Approved January 14, 1988.

---

**Chapter 755. AN ACT ESTABLISHING A NORTHEASTERN DIVISION AND A SOUTHEASTERN DIVISION OF THE HOUSING COURT DEPARTMENT AND PROVIDING FOR THE PROMPT RESOLUTION OF HOUSING DISPUTES THROUGHOUT THE COMMONWEALTH.**

---

ACTS, 1987. – Chap. 755.

Be it enacted, etc., as follows:

**SECTION 1.** The last sentence of section 127G of chapter 111 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the word "Hampden", in line 13, the following words:- , the northeastern division of the housing court department, the southeastern division of the housing court department.

**SECTION 2.** Section 1 of chapter 185C of the General Laws, as amended by chapter 171 of the acts of 1985, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The housing court department, established under section one of chapter two hundred and eleven B, shall be composed of a division for Hampden county; a division for Worcester county, including the town of Bellingham in Norfolk county and the towns of Ashby and Townsend in Middlesex county; a northeastern division, including the cities and towns of Essex county as well as the city of Lowell and the towns of Billerica, Chelmsford, Dracut, Dunstable, Groton, Pepperell, Shirley, Tewksbury, Tyngsborough, and Westford in Middlesex county; a southeastern division, including the cities and towns of Bristol and Plymouth counties; and a division for the city of Boston.

**SECTION 3.** Section 3 of said chapter 185C, as appearing in the 1986 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The divisions of the housing court department shall have common law and statutory jurisdiction concurrent with the divisions of the district court department and the superior court department of all crimes and of all civil actions arising in the city of Boston in the case of that division, in the county of Hampden in the case of that division and within the cities and towns included in the Worcester county division, northeastern division and southeastern division, in the case of those divisions, under chapter forty A, sections twenty-one to twenty-five, inclusive, of chapter two hundred and eighteen, sections fourteen and eighteen of chapter one hundred and eighty-six and under so much of sections one hundred and twenty-seven A to one hundred and twenty-seven F, inclusive, and sections one hundred and twenty-seven H to one hundred and twenty-seven L, inclusive, of chapter one hundred and eleven, so much of chapter ninety-three A, so much of section sixteen of chapter two hundred and seventy, so much of chapters one hundred and forty-three, one hundred and forty-eight, and two hundred and thirty-nine, jurisdiction under the provisions of common law and of equity and any other general or special law, ordinance, by-law, rule or regulation as is concerned directly or indirectly with the health, safety, or welfare, of any occupant of any place used, or intended for use, as a place of human habitation and the possession, condition, or use of any particular housing accommodations or household goods or services situated therein or furnished in connection therewith. The divisions of

the housing court department shall also have jurisdiction of all housing problems, including all contract and tort actions which affect the health, safety and welfare of the occupants or owners thereof, arising within and affecting residents in the city of Boston, in the case of that division, Hampden county, in the case of that division and within the cities and towns included in the Worcester county division, northeastern division and southeastern division, in the case of those divisions, and shall also have jurisdiction in equity, concurrent with the divisions of the district court department, the divisions of the probate and family court department, the superior court department, the appeals court, and the supreme judicial court, of all cases and matters so arising.

**SECTION 4.** Section 4 of said chapter 185C, as so appearing, is hereby amended by adding the following two paragraphs:-

The northeastern division of the housing court department shall hold its sittings in the courthouse facilities located in the city of Lawrence and at regular and frequent intervals at the courthouse facilities in the city of Salem, including at least one sitting each week in Salem, including one sitting each week in the city of Lowell, and also at least one sitting each week in the courthouse facilities in either the city of Lynn or the city of Peabody or the city of Haverhill. The court, with the consent of the chief administrative justice, shall also sit in such other courthouse facilities as the administrative justice of the housing court department may deem to be expedient or convenient.

The southeastern division of the housing court department shall hold its sittings in the courthouse facilities located in the city of Taunton and at regular and frequent intervals at the courthouse facilities in the cities of Brockton, Fall River and New Bedford; provided, however, that said southeastern division shall hold at least two sittings each week in Plymouth county and two sittings each week in Bristol county. The court, with the consent of the chief administrative justice, shall also sit in such other courthouse facilities as the administrative justice of the housing court department may deem to be expedient or convenient.

**SECTION 5.** Section 8 of said chapter 185C, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- There shall be one justice appointed for the Hampden county division, one justice appointed for the Worcester county division, one justice appointed for the northeastern division, one justice appointed for the southeastern division, and two justices appointed for the city of Boston division of the housing court department.

**SECTION 6.** Section 2 of chapter 211B 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:- six.

**SECTION 7.** Section 19 of chapter 218 of the General Laws, as so appearing, is hereby amended by inserting after the word "thirty-nine", in line 5, the following words:- and in the hearing and disposition of such



actions shall have the same equitable powers and jurisdiction as is provided for the divisions of the housing court department pursuant to section three of chapter one hundred and eighty-five C.

**SECTION 8.** Said chapter 218 is hereby further amended by inserting after section 19C, as so appearing, the following section:–

Section 19D. The first justice of a division of the district court department may appoint such number of housing specialists as the administrative justice of said department may from time to time determine. The first justice of a division may designate one of them as chief housing specialist for the division. All housing specialists shall hold office at the pleasure of the first justice of the division, subject, however, to retirement under the provisions of any applicable general or special law relative to retirement systems. All housing specialists shall be knowledgeable in the maintenance, repair, and rehabilitation of dwelling units; the problems of landlord and tenant as they pertain to dwelling units; the types of funds and services available to assist landlords and tenants in the financing and resolution of such problems; the federal and state laws, rules and regulations pertaining to the maintenance, repair and rehabilitation of such units; and the financing and resolution of such problems. The housing specialists shall have such powers and perform such duties as the first justice of the division shall from time to time prescribe with regard to actions pending before the court under chapter two hundred and thirty-nine. Every housing specialist shall be sworn by the first justice of the division, who shall, upon administering the oath, forthwith make return of such act with the date thereof to the state secretary.

**SECTION 9.** Section 86A of chapter 223 of the General Laws, as so appearing, is hereby amended by inserting after the word, "Hampden", in line 4, the words:– , the northeastern division of the housing court department, the southeastern division of the housing court department.

**SECTION 10.** The first sentence of section 6 of chapter 224 of the General Laws, as so appearing, is hereby amended by inserting after the word, "Hampden", in line 13, the words:– , the northeastern division of the housing court department, the southeastern division of the housing court department.

**SECTION 11.** Section 111 of chapter 231 of the General Laws, as so appearing, is hereby amended by inserting after the word, "Hampden", in line 3, the words:– , the northeastern division of the housing court department, the southeastern division of the housing court department.

**SECTION 12.** Section 113 of said chapter 231, as so appearing, is hereby amended by inserting after the word "Hampden", in line 3, the words:– , the northeastern division of the housing court department, the southeastern division of the housing court department.

---

**ACTS, 1987. – Chap. 756.**

**SECTION 13.** Section 8 of chapter 261 of the General Laws, as so appearing, is hereby amended by inserting after the word "Hampden", in line 3, the words:– , the northeastern division of the housing court department, the southeastern division of the housing court department.

**SECTION 14.** Section 4 of chapter 263 of the General Laws, as so appearing, is hereby amended by inserting after the word "Hampden", in line 4, the words:– , the northeastern division of the housing court department, the southeastern division of the housing court department.

**SECTION 15.** Said chapter 263 is hereby further amended by striking out section 8A and inserting in place thereof the following section:–

Section 8A. A person shall not be held to answer in a district court or the housing court of the city of Boston, the housing court of the county of Hampden, the northeastern division of the housing court department, the southeastern division of the housing court department, or the housing court of the county of Worcester to a second complaint for an offense for which he has already been tried upon the merits in a district court or in the housing court of the city of Boston, the housing court of the county of Hampden, the northeastern division of the housing court department, the southeastern division of the housing court department, or the housing court of the county of Worcester.

Approved January 14, 1988.

---

**Chapter 756. AN ACT PROVIDING OPTIONAL FORMS OF MUNICIPAL ADMINISTRATION.**

Be it enacted, etc., as follows:

The General Laws are hereby amended by inserting after chapter 43B the following chapter:–

**CHAPTER 43C.**

**OPTIONAL FORMS OF MUNICIPAL ADMINISTRATION ACT.**

Section 1. This act shall be known and may be cited as the Optional Forms of Municipal Administration Act.

Section 2. As used in this chapter, the words "board of registrars of voters", "city council" and "board of selectmen" shall include any local authority of different designation performing like duties. The word "agency" shall include any multiple member body, department, division or office of a city or town.

Section 3. Every city having a population of less than one hundred and fifty thousand and every town may, in the manner provided in this chapter, adopt any of the optional forms of municipal administration which are provided in this chapter and may, in the manner provided in

section nine provide for the revocation or rescission of any such acceptance. The adoption of any plan under the provisions of this chapter shall be deemed to be an amendment to any contrary provisions of a local charter or laws having the force of a charter.

Section 4. The adoption of an optional plan of municipal administration under this chapter shall be initiated by filing with the board of registrars of voters of the city or town, a petition signed by at least ten per cent of the number of registered voters residing in such city or town at the preceding state election. Such petition may consist of a number of separate sheets, but each sheet shall be in substantially the form prescribed therefor in section five and shall be signed and completed in accordance with the instructions contained therein. The city or town clerk shall furnish forms for such petition to any registered voter of the city or town requesting the same. Within thirty days from such filing, the board shall check each name to be certified by it on the petition, shall certify thereon the number of signatures so checked which are names of registered voters in the city or town, and shall report the results to the city council in the city or town, or board of selectmen, as the case may be, by filing its report with the city or town clerk. Only names so checked shall be deemed to be the names of registered voters for purposes of such petition. The board need not certify more than one hundred and forty per cent of the number of names required to file a petition, and names not certified in the first instance shall not thereafter be certified on the same petition.

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 law for objections to nominations for city or town offices, as the case may be.

Section 5. The petition shall be in substantially the following form:

To the (city council) (board of selectmen) of (name of city/town)

We the undersigned, registered voters of the (city/town of ) respectfully petition your honorable body to cause to be submitted to a vote of the voters the following question:– “Shall the (city/town of ) adopt the optional form of municipal administration defined as (insert summary from applicable section for which petition is presented) according to the provisions of chapter forty–three C of the General Laws providing for optional plans of municipal administration?”

Section 6. Within thirty days of receipt of certification by the board of registrars of voters that a petition contains sufficient valid signatures the city council or board of selectmen shall by order provide for submission of the question as specified in the petition to the voters of the city or town at the first regular city election, or at the first annual or biennial town meeting for the election of town officers, held on or after the sixtieth day following the adoption of the order. Said order shall not require the concurrence of the mayor in a city and shall not be subject to referendum. If an order of the city council or board of selectmen under this section has not been adopted within the thirty days specified above, the question contained in the petition shall be submitted to the voters at the first regular city election, or the first annual or

biennial town meeting for the election of town officers, held on or after the ninetieth day after receipt by the city council or board of selectmen of certification provided for in the first sentence of this section.

Section 7. The city council or board of selectmen may submit to the voters of the city or town a proposal for the acceptance of any of the optional plans of municipal administration which are provided in this chapter in the same manner and with the same force and effect as is hereby provided for submission by petition.

Section 8. If two or more optional plans of municipal administration are passed at the same election containing conflicting provisions the one receiving the greatest number of votes shall take effect.

Section 9. At any time after four years following the date of an election at which any of the plans provided in this chapter has been adopted by the voters, a question to revoke or to rescind such acceptance may be submitted to the voters in the same manner as provided in sections four to seven, inclusive. Such question shall be in the following form: "Shall the city/town of (     ) revoke its adoption of the optional form of municipal administration?"

Notwithstanding the provisions of the first paragraph of this section, any city or town which has adopted any of the optional plans of municipal administration which are provided for in this chapter may make some other provision for municipal administration under procedures made available in chapter forty-three B, at any time, and so far as such provisions may be inconsistent with the provisions of any optional plan in this chapter, the provisions of the charter or charter amendment adopted pursuant to the provisions of said chapter forty-three B shall be deemed to prevail and to supercede the provisions of this chapter.

Section 10. Any person holding any office or position in the service of a city or town which accepts one of the optional forms of administration provided in this chapter and who is employed in an office or agency which is merged with another or abolished or otherwise constituted shall be transferred to the department or agency thereby created without reduction in compensation, or impairment of any civil service, retirement, pension, seniority, vacation, sick leave or other rights or benefits to which then entitled. Any reduction in force which is to result from the new form of administration shall be accomplished through attrition, or other reassignment and not by dismissal.

All books, papers, documents, equipment, building facilities, land and other property both real and personal which are in the custody and control of any agency affected by an consolidation under the provisions of this chapter shall forthwith upon the establishment of any new agency be transferred by the former agency to such new agency.

All monies which have been appropriated to any department or agency which is included in any consolidation under the provisions of this chapter shall, upon the establishment of the new agency, be credited to the account of such new agency. All contracts in force at the time any new agency is created in which any department or agency whose powers

or functions are being assumed by the new agency is a party shall be continued in force by such new agency until they otherwise expire or are cancelled. Any judicial proceeding in which any agency affected by any consolidation under this chapter is a party shall not be affected by the consolidation but any such successor agency shall stand in the place of the former agency.

Section 11. (a) The following shall be the summary inserted in the petition described in section five:

"Section eleven of chapter forty-three C of the General Laws authorizes the legislative body to provide, by ordinance or by law, for a consolidated department of municipal finance which may include the offices of accountant, auditor or comptroller, treasurer, collector and assessors."

Notwithstanding any provision of law to the contrary, in any city or town which accepts the provisions of this section by vote of the people, the legislative body, subject to all applicable provisions of the city or town charter, shall have the authority to adopt an ordinance or by-law providing for a consolidated department of municipal finance.

Any ordinance or by-law adopted pursuant to the provisions of this section shall provide for (i) a director of municipal finance who shall be appointed by and shall be responsible to the chief executive officer or to the chief administrative officer of the city or town as the ordinance or by-law shall specify, (ii) the director of municipal finance to serve, ex officio, as the accountant, auditor or comptroller of the city or town and (iii), the term of the office of the director of municipal finance which shall not be less than three nor more than five years, subject to removal as may be otherwise provided in the charter of such city or town.

Any ordinance or by-law adopted pursuant to the provisions of this section may include, but need not be limited to, the following: (i) coordination of all financial services and activities, (ii) maintenance of all accounting records and other financial statements, (iii) payment of all obligations, (iv) receipt of all funds due, (v) assistance to all other city or town departments and offices in any matter related to financial affairs, (vi) monitoring of the expenditure of all funds, including periodic reporting to appropriate agencies on the status of accounts, (vii) supervision of all purchases of goods, materials and supplies and maintenance of inventory controls, (viii) supervision of all data processing facilities and (ix). any other matter relating to municipal finance as may be determined necessary or desirable in such ordinance or by-law.

Any ordinance or by-law adopted pursuant to the provisions of this section shall provide for the appointment of all other personnel necessary to staff the department as constituted in the ordinance or by-law. Unless some other provision is made in the city or town charter for the appointment of officers and employees the director of municipal finance shall appoint all personnel under his direction and control subject to the approval of the appointing authority as provided for his office.

Section 12. (a) The following shall be the summary inserted in the petition described in section five:

"Section twelve of chapter forty-three C of the General Laws authorizes the legislative body to provide, by ordinance or by-law, for a consolidated department of community development which may include the redevelopment authority, the planning board, the industrial development commission, industrial development financing authority or any other municipal office or agency exercising or authorized to exercise any community or economic development activities."

(b) Notwithstanding any other provision of law to the contrary in any city or town which accepts the provisions of this section, the legislative body, subject to all applicable provisions of the city or town charter, shall have the authority to adopt an ordinance or by-law providing for a consolidated department of community development.

(c) Any ordinance or by-law adopted pursuant to this section shall provide for (i) a director of community development who shall be appointed by and shall be responsible to the chief executive or chief administrative officer of the city or town as the ordinance or by-law shall specify, (ii) the term of office of the director of community development which shall not be less than three nor more than five years, subject to removal as may be otherwise provided in the charter of said city or town, (iii) a community development board which shall consist of five members, one of whom shall be appointed by the secretary of the executive office of communities and development for a term of five years, and four members who shall be appointed by the chief executive or chief administrative officer of the city or town as the ordinance or by-law shall specify, for terms of five years each, all such terms to be so arranged so that only one term expires each year.

(d) Any ordinance or by-law adopted pursuant to this section may include, but need not be limited to, providing for the inclusion through the abolishment of any of the agencies hereinafter enumerated, in whole or in part, or by placing any such agency as may be continued under the administrative control of the director of community development. Such agencies may include the redevelopment authority, the industrial development financing authority, the industrial development commission, the planning board and any other local agency which exercises or is authorized to exercise any community or economic development activity, but shall not include the housing authority.

Insofar as any power or function which is assigned to the department of community development through the abolishment of any agency under the provisions of chapter forty D, forty-one, forty-one A, one hundred and twenty-one A, one hundred and twenty-one B, or any other law relating to community or economic development, to be exercised specifically or exclusively by a multiple member body, such power or function shall be assigned to the community development board.

(e) Any ordinance or by-law adopted pursuant to this section shall provide for the appointment of all other personnel necessary to staff the department as constituted in the ordinance or by-law. Unless some other provision is made in the city or town charter for the appointment of officers and employees, the director of community development shall appoint all personnel under his direction and control subject to the

approval of the appointing authority as provided for his office.

Section 13. (a) The following shall be the summary to be inserted in the petition described in section five:

"Section thirteen of chapter forty-three C of the General Laws authorizes the legislative body to provide, by ordinance or by-law, for a consolidated department of municipal inspections which may include the inspections currently being made by the building inspector, wire inspector, plumbing inspector, gas fitting inspector, health agent and others as the ordinance or by-law may specify."

(b) Notwithstanding any provision of law to the contrary, in any city or town which accepts the provisions of this section by vote of the people, the legislative body, subject to all applicable provisions of the city or town charter, shall have the authority to adopt an ordinance or by-law providing for a consolidated department of municipal inspections.

(c) Any ordinance or by-law adopted pursuant to this section shall provide for (i) a director of municipal inspections who shall be appointed by and shall be responsible to the chief executive officer or the chief administrative officer of the city or town as the ordinance or by-law shall specify, (ii) the term of office of the director of municipal inspections which shall be not less than three nor more than five years, subject to removal as may be otherwise provided in the charter of the city or town.

(d) Any ordinance or by-law adopted pursuant to this section may include, but need not be limited to, the following: (i) coordination of all inspection functions carried out by any municipal officer or agent, (ii) maintenance of all records relating to inspections in a central place through a common index, (iii) a single application process which would indicate all inspections which might be necessary, including, but need not be limited to, any inspections under the zoning and other local ordinance or by-law, building code, wire code, plumbing and gas code, state sanitary code, board of health rules and regulations, fire code, conservation commission, historic districts commission and any other local inspections as may be otherwise authorized. Any ordinance or by-law adopted pursuant to this section may provide that any agency performing an inspection function shall be continued but that for administrative purposes all personnel performing inspection functions for the existing agency shall, when performing such inspection services, be subject to the administrative control and direction of the director of municipal inspections, but not otherwise.

(e) Any ordinance or by-law adopted pursuant to this section shall provide for the appointment of all other personnel necessary to staff the department as constituted in the ordinance or by-law. Unless some other provision is made in the city or town charter for the appointment of officers and employees the director of municipal inspections shall appoint all personnel under his direction and control subject to the approval of the appointing authority as provided for his office.

Approved January 14, 1988.

**Chapter 757. AN ACT RELATIVE TO THE LICENSING OF FOOD PROCESSORS AND DISTRIBUTORS.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 94 of the General Laws is hereby amended by striking out section 305C, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:–

Section 305C. The department shall issue and may renew on an annual basis a license to every person engaged in the business of processing or distributing food for sale at wholesale, including every person who prepares, manufactures, packs, repacks, cans, bottles, keeps, exposes, stores, handles or distributes food or who operates a food warehouse. Said license requirement shall not apply to any person who is a purveyor of fresh fruits and vegetables, a farmer who produces and sells raw farm products, including eggs, persons licensed under section ten B, forty, forty-eight A, sixty-five H, sixty-six or one hundred and twenty or licensed under chapter one hundred and thirty-eight, persons holding a permit under chapter one hundred and thirty, nor to any person who operates an establishment under the inspection of the meat inspection division of the bureau of animal industry of the United States department of agriculture.

Said license shall apply to one place of business only. Prior to issuing a license, the department shall inspect each place of business for which application is made. The department shall send a copy of each such license to the board of health of the city or town in which each licensee is located.

The fee for each license and for each annual renewal thereof shall be determined annually by the commissioner of administration under the provisions of section three B of chapter seven.

No person shall carry on the business of a food processor or food distributor unless such person holds a valid license from the department. Any person who violates the provisions of this section shall be punished by a fine of not more than one thousand dollars. The superior court shall have jurisdiction to enjoin any violation of this paragraph or to take such other action as equity and justice may require.

Subject to the requirements of chapter thirty A, the department may refuse to issue or renew, suspend or revoke such license if (1) any statement in the license application or upon which the license was issued is determined to be false or misleading; (2) the applicant or licensee has been convicted of a crime relating to the processing, storage, distribution or sale of food in connection with the licensed business; (3) the applicant or licensee has failed to comply with any applicable provision of this chapter or any applicable rule or regulations; or (4), the applicant or licensee refuses to admit representatives of the department at any reasonable time for purposes of inspection. The commissioner may, without a prior hearing, suspend a license if he finds that such licensee is operating his business in a manner which is endangering or may cause imminent danger to the public health. In every case of



---

**ACTS, 1987. – Chap. 758.**

suspension of a license without a prior hearing, the licensee shall be promptly afforded an opportunity for such hearing.

The department may make such rules and regulations as may be necessary for the enforcement of this section. Such rules and regulations may provide administrative penalties for the violation of any rule or regulation promulgated hereunder not to exceed five hundred dollars for any single violation.

**SECTION 2.** Said chapter 94 is hereby further amended by inserting after section 305D the following section:-

Section 305E. No person shall transport or cause to be transported into the commonwealth any bakery product for the purpose of sale without having obtained a permit from the department of public health. Such permit shall apply to one place of business only. Each permit granted under this section shall expire one year from the date of its issue. The fee for each such permit and for each annual renewal thereof shall be determined annually by the commissioner of administration under the provisions of section three B of chapter seven.

Whoever violates the provisions of this section shall be punished by a fine of not less than twenty-five nor more than two hundred dollars. This section shall not apply to common carriers, their agents or servants.

Approved January 14, 1988.

---

**Chapter 758. AN ACT FURTHER REGULATING LOCAL PROPERTY TAX EXEMPTIONS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 5 of chapter 59 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The following property shall be exempt from taxation and the date of determination as to age, ownership or other qualifying factors required by any clause shall be July first of each year unless another meaning is clearly apparent from the context; provided, however, that any person who receives an exemption under the provisions of clause 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 shall not receive an exemption on the same property under any other provision of this section, except clause Eighteenth or Forty-fifth.

**SECTION 2.** Said section 5 of said chapter 59, as so appearing, is hereby further amended by striking out clauses Twenty-fourth and Twenty-fifth and inserting in place thereof the following clause:-

Twenty-fourth, All intangible personal property.

**SECTION 3.** Said section 5 of said chapter 59, as so appearing, is hereby further amended by striking out clauses Twenty-seventh to Thirty-fourth, inclusive.

**SECTION 4.** The third paragraph of clause Forty-first A of said section 5 of said chapter 59, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– Any such person may, on or before December fifteenth of each year to which the tax relates or within three months after the date on which the bill or notice is first sent, whichever is later, apply to the board of assessors for an exemption of all or part of such real property from taxation during such year; provided, however, that in the case of real estate owned by a person jointly or as a tenant in common with a person not his spouse, the exemption shall not exceed that proportion of total valuation which the amount of his interest in such property bears to the whole tax due.

**SECTION 5.** Section 59 of said chapter 59, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:–

An application for exemption under clause Seventeenth, Seventeenth C, Seventeenth D, Eighteenth, 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 and Forty-third of section five may be made on or before December fifteenth of the year to which the tax relates, or if the bill or notice is first sent after September fifteenth of such year, within three months after the bill or notice is so sent.

**SECTION 6.** Section 3A of chapter 60 of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:– Every bill or notice shall be in a form approved by the commissioner and shall state that (i) applications for exemption under clauses Seventeenth, Seventeenth C, Seventeenth D, Eighteenth, 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 A, Forty-first B, Forty-first C, Forty-second and Forty-third of section five of chapter fifty-nine, on forms so approved, shall be filed with the assessors, in case of original assessments, on or before December fifteenth of the year to which the tax relates or within three months after the date on which the bill or notice is sent, whichever is later; (ii) applications for exemption under all other clauses of said section five and applications for abatement under section fifty-nine of said chapter fifty-nine, on forms so approved, shall be filed with the assessors, in case of original assessments, on or before October first of the year to which the tax relates or within thirty days after the date on which the

---

**ACTS, 1987. - Chap. 759.**

bill or notice is sent, whichever is later; and (iii) applications for exemption under said section five and applications for abatement under said section fifty-nine of said chapter fifty-nine, in the case of an assessment or reassessment under section seventy-five, seventy-six or seventy-seven of said chapter fifty-nine, on forms so approved, shall be filed with the assessors within three months after the date on which the bill or notice is sent.

Approved January 14, 1988.

EMERGENCY LETTER: February 12, 1988 @ 4:17 P.M.

---

**Chapter 759. AN ACT FURTHER REGULATING SMOKING IN CERTAIN PUBLIC AND PRIVATE BUILDINGS.**

Be it enacted, etc., as follows:

**SECTION 1.** Chapter 15A of the General Laws is hereby amended by inserting after section 16 the following section:-

Section 16A. Each public institution of higher education which provides housing for students in dormitories shall establish rules and regulations providing that a certain number of dormitory rooms shall be reserved for nonsmokers. Each such public institution shall provide a space on the application for admission or student housing for the applicant to indicate whether he would prefer to reside in a room where smoking was prohibited or whether he would prefer to reside in a room where smoking was allowed.

**SECTION 2.** Chapter 111 of the General Laws is hereby amended by inserting after section 72W the following section:-

Section 72X. All public and private nursing homes shall designate no smoking sections in certain common areas, including lobbies, cafeterias, conference rooms and employee lounges. Smoking by any employee of such nursing homes is hereby prohibited in all patient care areas.

**SECTION 3.** Chapter 270 of the General Laws is hereby amended by striking out section 21, as appearing in the 1986 Official Edition, and inserting in place thereof the following two sections:-

Section 21. As used in this section and section twenty-two the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Smoking", the lighting of any cigar, cigarette, pipe or other tobacco product or having the possession of any lighted cigar, cigarette, pipe or other tobacco product.

"Public building", any enclosed, indoor area that is located in a building owned or occupied by any department or agency of the commonwealth, or any political subdivision thereof.

Section 22. No person shall smoke in any public elevator, supermarket or retail food outlet, in or upon any public mass transit conveyances or indoor platform or enclosed outdoor platform, at any open meeting of a

governmental body as defined in section eleven A of chapter thirty A, section twenty-three A of chapter thirty-nine and section nine F of chapter thirty-four or in any courtroom. The owner, manager or other person in charge of such a facility, building or vehicle or place as herein described in this paragraph shall post conspicuously a notice at each entrance indicating that smoking is prohibited therein.

No person shall smoke in any courthouse, school, college, university, museum, library, train, airplane, waiting area of an airport, waiting area of a health care facility as defined in section nine C of chapter one hundred and twelve, group child care center, school-aged day care center, or family day care center or on any premises where activities are licensed under section thirty-eight of chapter ten, except beano, or in any public building, except in an area which has specifically been designated as a smoking area. An area shall be designated as a smoking area only if nonsmoking areas of sufficient size and capacity are available to accommodate nonsmokers.

No person shall smoke in any restaurant with a seating capacity of seventy-five or more persons, except in an area which has been specifically designated as a smoking area. In such case, smoking may be permitted in an area or areas that have been specifically designated by notice or sign, only if nonsmoking areas of sufficient size and capacity are available to accommodate nonsmokers. Smoking and nonsmoking areas in any restaurant need not be separated by walls, partitions or other physical barriers; provided, however, that nonsmoking areas in any part of a restaurant, as provided herein, shall be no less than two hundred square feet of floor space.

The owner, manager or other person in charge of a facility, building, vehicle or place described in the second and third paragraphs shall post conspicuously such notices or signs at each entrance indicating that smoking is prohibited therein except in specifically designated areas, and shall post conspicuously such notice or signs indicating which is the no smoking area and which is the smoking area.

Any person aggrieved by the willful failure or refusal to comply with any of the provisions of this section may complain in writing to the local health officer in the case of a restaurant, supermarket or retail food outlet, or to the local building inspector in the case of all other facilities described in this section. Said authority shall respond in writing within fifteen days to the complainant that he has inspected the area described in the complaint and has enforced the provisions of this section. Said authority shall file a copy of the original complaint and his response thereto with the department of public health.

Any person aggrieved by the willful failure or refusal to comply with any provisions of this section in any public building may complain in writing to the head of such department or agency occupying the area wherein such violation occurs. Such agency or department head shall respond, in writing, within fifteen days to the complainant that he has inspected the area described in the complaint and has enforced the provisions of this section. Said agency or department head shall file a copy of the original complaint and his response thereto with the

department of public health.

Nothing in this section shall prohibit smoking in a completely enclosed private office used by an individual within a facility, public building, vehicle or place described in the first, second and third paragraphs.

**SECTION 4.** The department of public health shall promulgate such rules and regulations as may be necessary to implement the provisions of this act. Said rules and regulations shall include the provision that copies of any complaints under section twenty-two of chapter two hundred and seventy of the General Laws shall be filed with said department.

**SECTION 5.** Nothing in this act shall be construed to permit smoking in any area in which smoking is or may hereafter be prohibited by law including, without limiting the generality of the foregoing, any other provision of the law or ordinance or by-law or any fire, health or safety regulation.

Approved January 14, 1988.

---

**Chapter 760. AN ACT RELATIVE TO REAL ESTATE TIME-SHARES.**

Be it enacted, etc., as follows:

**SECTION 1.** The General Laws are hereby amended by inserting after chapter 183A the following chapter:-

CHAPTER 183B.

REAL ESTATE TIME-SHARES.

Section 1. This chapter may be cited as the Real Estate Time-Share Act.

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

"Affiliate of a developer", any person who controls, is controlled by, or is under common control with a developer. A person controls a developer if the person is (i) a general partner, officer, director, or employer of the developer, (ii) directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing, more than twenty per cent of the voting interest in the developer, (iii) controls in any manner the election of a majority of the directors of the developer, or (iv) has contributed more than twenty per cent of the capital of the developer. A person is controlled by a developer if the developer is (i) a general partner, officer, director, or employer of the person, (ii) directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds

with power to vote, or holds proxies representing more than twenty per cent of the voting interest in the person, (iii) controls in any manner the election of a majority of the directors of the person, or (iv) has contributed more than twenty per cent of the capital of the person. Control does not exist if the powers described in this paragraph are held solely as security for an obligation and are not exercised.

"Association", the association organized under the provisions of subsection (a) of section nineteen.

"Business day", any calendar day except Saturday or Sunday, or day on which a federal, state or county holiday is celebrated.

"Conversion building", a building that at any time before the disposition of any time-share was occupied wholly or partially by persons other than purchasers and persons who occupied with the consent of purchasers.

"Developer", any person who (i) offers to dispose of or disposes of his interest in a time-share not previously disposed of, or (ii) succeeds under section twenty-two to any special developer right.

"Dispose" or "disposition", a voluntary transfer of any legal or equitable interest in a time-share, but does not include the transfer or release of a security interest.

"Enrolled", paid membership in an exchange program or membership in an exchange program evidenced by written acceptance or confirmation of membership.

"Exchange company", any person owning or operating an exchange program.

"Exchange program", any program which allows for the assignment or exchange of time-share occupancy rights between or among time-share owners in the same or other time-share properties.

"Manager", any person, other than all time-share owners or the association, designated in or employed pursuant to the time-share instrument or project instrument to manage the time-share units.

"Managing entity", the manager or, if there is no manager, the association.

"Multi-location plan", a time-share plan encompassing more than one time-share property pursuant to which time-share owners may, by reservation or other similar procedure, occupy time-share units in more than one time-share property.

"Multi-location developer", a developer creating or selling its own time-shares in a multi-location plan.

"Offering", any advertisement, inducement, solicitation, or attempt to encourage any person to acquire a time-share, other than as security for an obligation. An advertisement in a newspaper or other periodical of general circulation, or in any broadcast medium to the general public, of a time-share in a unit not located in the commonwealth, is not an offering if the advertisement states that an offering may be made only in compliance with the law of the jurisdiction in which the unit or units are located. An offering to the "general public" shall mean any offering to twenty-five or more people.

"Person", a natural person, corporation, government, governmental

subdivision or agency, business trust, estate, trust, partnership, association, joint venture, or other legal or commercial entity. In the case of a nominee trust, however, "person" means the beneficiary of the trust as well as the trust and the trustee.

"Project", real property, subject to a project instrument, containing more than one unit. A project may include units that are not time-share units.

"Project instrument", one or more recordable documents, by whatever name denominated, applying to the whole of a project and containing restrictions or covenants regulating the use, occupancy, or disposition of units in a project, including any amendments to the document, but excluding any law, ordinance, by-law, or governmental regulation.

"Purchaser", any person, other than a developer, who by means of a voluntary transfer acquires a legal or equitable interest in a time-share other than as security for an obligation.

"Sales contract", the written contract which provides for the sale by the developer and the purchase by the purchaser of one or more time-shares in a time-share property.

"Time-share", a time-share estate or a time-share license.

"Time-share estate", a right to the occupancy of a unit or any of several units during five or more separated time periods over a period of at least five years, including extension or renewal options, coupled with a freehold estate or an estate for years in a time-share property or a specified portion thereof.

"Time-share expenses", expenditures, fees, charges, or liabilities (i) incurred with respect to the time-shares or by or on behalf of all time-share owners in one time-share property, and (ii) imposed on the time-share units by the entity governing a project of which the time-share property is a part, together with any allocations to reserves, but excluding purchase money payable for time-shares. Time-share expenses shall include real estate taxes and other governmental assessments and charges with respect to the time-share property in which the time-shares are located.

"Time-share instrument", one or more documents, by whatever name denominated, creating or regulating time-shares.

"Time-share liability", the liability for time-share expenses allocated to each time-share pursuant to paragraph (4) of subsection (a) of section twelve.

"Time-share license", a right to the occupancy of a unit or any of several units during five or more separated time periods not coupled with a freehold estate or an estate for years.

"Time-share owner", a person who is an owner or co-owner of a time-share other than as security for an obligation.

"Time-share plan", the rights, obligations and program created by the time-share instrument for a time-share property or, in the case of a multi-location plan, for time-share properties.

"Time-share property", one or more time-share units subject to the same time-share instrument, together with any other real estate or rights therein appurtenant to those units.

"Time-share unit", a unit in which time-shares exist.

"Unit", real property, or a portion thereof, designated for separate use.

Section 3. (a) Except as otherwise provided in this chapter and notwithstanding any contrary rule of common law, a grant of an estate in a unit conferring the right of possession during a potentially infinite number of separated time periods creates an estate in fee simple having the character and incidents of such an estate at common law, and a grant of an estate in a unit conferring the right of possession during five or more separated time periods over a finite number of years equal to five or more, including extension or renewal options, creates an estate for years having the character and incidents of such an estate at common law.

(b) Each time-share estate constitutes for all purposes a separate estate in real property; provided, however, that a time-share property shall be considered one parcel of real estate for the assessment and collection of real estate taxes, betterment assessments or portions thereof, annual sewer use charges, water rates and charges, and all other assessments or portions thereof, rates and charges of every nature, due to a city, town or district with respect to the time-share property. Notices of assessments and bills for taxes shall be furnished to and paid by the managing entity, if any, as agent for the time-share owners, or if there is no managing entity, to each time-share owner. The managing entity shall give notice of such assessment to the time-share owners.

(c) A document transferring or encumbering a time-share estate may not be rejected for recording because of the nature or duration of such estate.

Section 4. Except as otherwise expressly provided in this chapter, provisions of this chapter shall not be varied by agreement, and rights conferred by this chapter shall not be waived. A developer shall not act under a power of attorney, or use any other device, to evade the limitations or prohibitions of this chapter or of the time-share instrument.

Section 5. (a) The court, upon finding as a matter of law that a time-share contract or contract clause was unconscionable at the time the contract was made, may refuse to enforce such contract, may enforce the remainder of the contract without the unconscionable clause, or may limit the application of any such unconscionable clause in order to avoid an unconscionable result.

(b) Whenever it is claimed, or appears to said court, that such contract or contract clause is unconscionable, the court shall afford the parties a reasonable opportunity to present evidence as to:

(1) the commercial setting of the negotiations;

(2) whether a party has knowingly taken advantage of the inability of the other party reasonably to protect his interests by reason of physical or mental infirmity, illiteracy, or inability to understand the language of the agreement or similar factors;

(3) the effect and purpose of the contract or clause; and

(4) if a sale, any gross disparity, at the time of contracting, between the amount charged for the time-share and the value of the time-share



measured by the price at which similar time-shares were readily obtainable, but a disparity between the contract price and the value of the time-share measured by the price at which a similar time-share was readily obtainable in similar transactions shall not, of itself, render the contract unconscionable.

Section 6. Every contract or duty governed by this chapter imposes an obligation of good faith in its performance or enforcement.

Section 7. (a) The remedies provided by this chapter shall be liberally administered to the end that the aggrieved party is put in as good a position as if the other party had fully performed. However, consequential, special, or punitive damages may not be awarded except as specifically provided in this chapter or by other rule of law.

(b) Any right or obligation established by this chapter shall be enforceable by judicial proceeding.

Section 8. The principles of law and equity, including the law of corporations and unincorporated associations, the law of real property and the law relative to capacity to contract, principal and agent, eminent domain, estoppel, fraud, misrepresentation, duress, coercion, mistake, receivership, substantial performance, or other validating or invalidating cause shall supplement the provisions of this chapter, except to the extent such principles are inconsistent with this chapter.

Section 9. In the event of any conflict between this chapter and chapter one hundred and eighty-three A or chapter one hundred and fifty-seven, the provisions of this chapter shall prevail, but this chapter does not invalidate or otherwise affect rights or obligations vested under said chapter one hundred and eighty-three A or said chapter one hundred and fifty-seven, or the manner of their exercise or enforcement.

The subdivision control law shall not apply to the division of a building into time-share units or to the creation of time-shares in a unit.

Nothing in this chapter shall be deemed to limit or otherwise affect the authority of the board of registration of real estate brokers and salesmen to regulate out-of-state real property sales within the commonwealth.

Section 10. This chapter being intended as a unified coverage of its subject matter, no part of it shall be construed to be impliedly repealed in whole or in part by subsequent legislation if such construction can reasonably be avoided.

Section 11. If all of the documents constituting the project instrument are recorded, time-shares shall not be created in any unit in a project unless expressly permitted by the project instrument. No amendment to a project instrument which is recorded shall permit the creation of time-shares unless the owners of at least eighty per cent of the units, or any larger vote required by the project instrument or by law, consent to such amendment.

Section 12. (a) Except as provided in subsection (b), more than twelve time-shares may be created in a single time-share property only by a time-share instrument recorded in the registry of deeds or land registration office for the district in which the time-share unit is situated. Said instrument shall contain or provide for the following:

(1) a legally sufficient description of the time-share property and the name or other identification of the project, if any, within which it is situated;

(2) the name of the registry district or land registration office in which the time-share property is situated;

(3) identification of time periods by letter, name, number, or combination thereof;

(4) the time-share expense liability and any voting rights assigned to each time-share;

(5) if additional units may become part of the time-share property, the method of doing so and the formula for allocation and reallocation of the time-share expense liabilities and any votes;

(6) the method of designating the insurance trustee required under section twenty-six;

(7) allocation of time for maintenance of the time-share units;

(8) provisions for management by a managing entity or by the time-share owners;

(9) if all of the time-shares are time-share licenses, the rights of a licensee, if his license is terminated, with respect to any of the property his license affects, or a statement that he has no rights; and

(10) any requirements for amendments to the time-share instrument.

(b) If a time-share license applies to units in more than one time-share property, the time-share instrument creating the license need not comply with the provisions of clauses (1) to (7), inclusive, of subsection (a).

Section 13. (a) The time-share instrument shall state the amount of or formula used to determine any time-share expense liability allocated to each time-share.

(b) If the time-share instrument provides for voting, it shall allocate votes to each time-share unit and to each time-share estate and may allocate votes to any time-share license. It shall not allocate any votes to any other property or to any person who is not a time-share owner. The number of votes allocated to each time-share shall be equal for all time-shares or proportionate to each time-share's value as estimated by the developer, time-share expense liability, or unit size. The time-share instrument may specify some matters as to which the votes shall be equal and others as to which they shall be proportionate.

(c) Except as otherwise provided pursuant to clause (5) of subsection (a) of section twelve, the votes and time-share expense liabilities allocated to a time-share shall not be altered without the unanimous consent of all time-share owners entitled to vote and voting at a meeting in which at least eighty per cent of the votes allocated to time-shares are cast or in an initiative or referendum in which at least eighty per cent of said votes are cast.

(d) Except for minor variations due to rounding, the sum of the time-share expense liabilities assigned to all time-shares shall equal one if stated as fractions or one hundred per cent if stated as percentages. In the event of discrepancy between the time-share liabilities or votes allocated to a time-share and the result derived from the application of

the formulas, the allocated time-share expense liability or vote prevails.

Section 14. No action for partition of a time-share unit may be maintained except as permitted by the time-share instrument or by subsection (d) of section fifteen.

Section 15. (a) This section shall apply to time-share licenses only to the extent expressly provided by the time-share instrument.

(b) All time-shares in a time-share property may be terminated only by agreement of the time-share owners having at least eighty per cent of the time-shares, or such larger vote as the time-share instrument may specify.

(c) An agreement to terminate all time-shares in a time-share property shall be evidenced by the execution, in the same manner as a deed, of a termination agreement, or ratifications thereof, by the requisite number of time-share owners. The termination agreement shall specify a date after which it shall be void unless it is recorded on or before said date. A termination agreement and all ratifications thereof shall be recorded in the registry of deeds or land registration office in every district in which a portion of the time-share property is situated, and shall be effective only upon such recording.

(d) Unless the termination agreement sets forth the material terms of a contract or proposed contract under which an estate or interest in each time-share unit equal to the sum of the time-shares therein is to be sold and designates a trustee to effect the sale, title to an estate or interest in each time-share unit equal to the sum of the time-shares therein vests upon termination in the time-share owners thereof in proportion to their respective interests as provided in subsection (h), and liens on the time-shares shall attach to and encumber said interests. Any co-owner of said estate or interest in a unit may thereafter maintain an action for partition or for allotment or sale in lieu of partition.

(e) If the termination agreement sets forth the material terms of a contract or proposed contract under which an estate or interest in each time-share unit equal to the sum of the time-shares therein is to be sold and designates a trustee to effect the sale, title to said estate or interest vests upon termination in the trustee for the benefit of the time-share owners, to be transferred pursuant to the contract. Proceeds of the sale shall be distributed to time-share owners and lien holders as their interests may appear, in proportion to the respective interests of the time-share owners as provided in subsection (h).

(f) Except as otherwise provided in the termination agreement, so long as the former time-share owners or their trustee hold title to an estate or interest equal to the sum of the time-shares, each former time-share owner and his successors in interest have the same rights with respect to occupancy in the former time-share unit that he would have had if termination had not occurred, together with the same liabilities and other obligations imposed by this chapter or the time-share instrument.

(g) After termination of all time-shares in a time-share property and adequate provision for the payment of the claims of the creditors for time-share expenses, distribution of (i) the proceeds of any sale pursuant

to this section, (ii) the proceeds of any personalty held for the use and benefit of the former time-share owners, and (iii) any other funds held for the use and benefit of the former time-share owners, shall be made to the former time-share owners and their successors in interest in proportion to their respective interests as provided in subsection (h). Following termination, creditors of the association holding liens perfected against the time-share property prior to the termination may enforce said liens in the same manner as any other lien holder. All other creditors of the association shall be treated as if they had perfected liens on the time-share property immediately prior to termination.

(h) The time-share instrument may specify the respective fractional or percentage interest in the estate or interest in each unit equal to the sum of the time-shares therein that will be owned by each former time-share owner upon termination of the time-shares. If the time-share instrument fails to so specify, an appraisal shall be made of the fair market value of each time-share by one or more impartial qualified appraisers selected either by the trustee designated in the termination agreement, or by the managing entity if no trustee was so designated. Said appraisal shall be made not more than one hundred and eighty days prior to the termination. Said appraisal shall also state the corresponding fractional or percentage interests calculated in proportion to said values and in accordance with this subsection. A notice stating all of said values and corresponding interests and the return address of the sender shall be sent by registered mail, return receipt requested, by the managing entity or by the trustee designated in the termination agreements, to all of the time-share owners. Said appraisal governs the fractional or percentage interest of each estate or interest unless (i) at least twenty-five per cent of the time-share owners deliver, within sixty days after the date the notices were mailed, written disapprovals to the return address of the sender of the notice, or (ii) the final judgment of a court of competent jurisdiction, entered during or after said period, holds that the appraisal shall be set aside. The appraisal and the calculation of interests shall be made in accordance with the following:

(1) If the termination agreement sets forth the material terms of a contract or proposed contract for the sale of the estate or interest equal to the sum of the time-shares, each time-share conferring a right of occupancy during a limited number of time periods shall be appraised as if the time until the date specified for the conveyance of the property had elapsed. If no such date is specified, each time-share conferring a right of occupancy during a limited number of time periods shall be appraised as if the time until the date specified pursuant to subsection (c) had elapsed.

(2) The interest of each time-share owner is the value of the time-share he owned divided by the sum of the values of all time-shares in the unit or units to which his time-share applies.

(i) Foreclosure or enforcement of a lien or encumbrance against all of the time-shares in a time-share property does not of itself terminate said time-shares.

Section 16. A developer may maintain sales offices, management

offices, and models in the time-share property only if the time-share instrument so provides and specifies the rights of a developer with regard to the number, size, location, and relocation thereof. He may maintain signs on the property advertising the property. The provisions of this section shall be subject to other provisions of law, local ordinances or by-laws and the project instruments.

Section 17. The time-share instrument may require that all or a specified number or percentage of the mortgagees of units or time-shares approve specified actions of the unit owners, time-share owners, developer, or managing entity as a condition to the effectiveness of said actions, but a requirement for approval shall not operate to (i) deny or delegate control over the general administrative affairs of any association by the unit owners, time-share owners, or both, or their elected representatives, or (ii) to prevent any association from commencing, intervening in, or settling any litigation or proceeding, or receiving and distributing any insurance proceeds pursuant to section twenty-six.

Section 18. A time-share estate, coupled with a freehold estate, shall be evidenced by a time-share deed, and a time-share estate, coupled with an estate for years shall be evidenced by a notice of time-share lease. A time-share license shall be evidenced by a notice of time-share license. Said deed, notice of time-share lease or notice of time-share license shall be recorded in the registry of deeds or land registration office for the district in which the time-share property is located; provided however, that the number of time-shares in a time-share property is more than twelve. The time-share deed shall include the information required by law to be set forth in a deed of real property and the notice of time-share lease or notice of time-share license shall include the information required by law to be set forth in a notice of lease. In addition such deed or notice shall include:

- (1) a statement that the instrument relates to a time-share and is subject to the provisions of this chapter;
- (2) a description of the time-share including designation of the unit or units, and the time-share property in which it is located;
- (3) the book, page and date of recording of all time-share instruments denominating, creating or regulating the time-share;
- (4) a statement of the use for which the time-share is intended and the restrictions, if any, on its use;
- (5) the time-share expense liability and any voting rights assigned to the time-share; and
- (6) any further provisions which the parties may deem desirable to set forth, consistent with the time-share instruments and the provisions of this chapter.

Section 19. (a) If the number of time-shares in a time-share property is more than twelve, the developer, before the first transfer of a time-share, shall create or provide a managing entity to manage the time-share property. The managing entity may be (i) a manager, who may be the developer, or (ii) an association, which shall be a profit or nonprofit corporation or an unincorporated association, the membership

of which shall at all times consist exclusively of all the time-share owners. If the time-share property is part of a project containing time-share units and other units, the manager may be the entity that governs the project. If the number of time-shares in the time-share property is twelve or fewer and there is no managing entity, the time-share owners may form an association meeting the requirements specified above.

(b) In the absence of a managing entity required by this section, a court upon application of a party in interest, including a time-share owner or a lienholder, may appoint and prescribe the powers of a managing entity.

Section 20. (a) Subject to the provisions of subsection (b) and the time-share instrument, the association, even if unincorporated, may:

- (1) adopt and amend by-laws, rules, and regulations;
- (2) adopt and amend budgets for revenues, expenditures, and reserves and collect assessments for time-share expenses from time-share owners;
- (3) hire and discharge managing agents and other agents, employees, and independent contractors;
- (4) institute, defend, or intervene in litigation or administrative proceedings in its own name on behalf of itself or two or more time-share owners on matters affecting the time-share property or time-shares;
- (5) make contracts and incur liabilities;
- (6) provide for and regulate the use, maintenance, repair, replacement, and modification of the time-share property;
- (7) cause additional improvements to be made to the time-share property;
- (8) impose charges for late payment of assessments and, after notice and an opportunity to be heard, levy reasonable fines for violations of the time-share instrument, by-laws, and rules or regulations of the association;
- (9) impose reasonable charges for the preparation of resale certificates required by section forty-two or statements of unpaid assessments;
- (10) exercise any other powers conferred by the time-share instrument or by-laws;
- (11) impose and receive payments, fees, or charges for the use, rental, or operation of the time-share property, and for services provided to time-share owners;
- (12) acquire, hold, encumber, and convey in its own name any right, title, or interest to real or personal property;
- (13) assign its right to future income, including the right to receive time-share expense assessments, but only to the extent the time-share instrument expressly so provides;
- (14) provide for the indemnification of its directors and officers and maintain directors' and officers' liability insurance; provided, however, that no indemnification shall be provided for any person with respect to any matter as to which he shall have been adjudicated in any proceeding not to have acted in good faith in the reasonable belief that his action

was in the best interests of the time-share property;

(15) exercise all other powers that may be exercised by legal entities of the same type as the association; and

(16) exercise any other powers necessary and proper for the governance and operation of the association.

(b) The time-share instrument may not impose limitations on the power of the association to deal with the developer which are more restrictive than the limitations imposed on the power of the association to deal with other persons.

(c) Except as otherwise provided in the time-share instrument, the manager; to the extent permitted by the management contract, may exercise the powers specified in clauses (1) to (11), inclusive, of subsection (a).

(d) If the time-share property is part of a project, this section and section twenty-one shall not confer any powers on the managing entity, the developer, or the time-share owners with respect to any portion of the project other than the time-share property.

Section 21. The developer shall have the duties imposed on the managing entity by this chapter and the powers set forth in clauses (1) to (11), inclusive, of subsection (a) of section twenty until a managing entity is provided or the developer and his affiliates own no estate or interest in the time-share property, whichever first occurs. Thereafter, if there is no managing entity and the number of time-shares in the time-share property is twelve or fewer, the time-share owners shall have said powers subject to any provisions of the time-share instrument relating to the manner of the exercise thereof and shall have the responsibilities and liabilities of an association for the purposes of sections twenty-four and twenty-five. To the extent that the time-share instrument is silent with respect to the manner of exercise of any of said powers, the time-share owner may exercise said powers only by unanimous action.

Section 22. (a) For the purposes of this section, "special developer right" shall mean a right reserved for the benefit of a developer to add more units to a time-share property to maintain sales offices, management offices, models, and signs or to appoint, control, or serve as the managing entity. No special developer right created or reserved under this chapter may be transferred except by an instrument evidencing the transfer recorded in the registry of deeds or land registration office for every district in which any portion of the time-share property is located. The instrument shall not be effective unless it is also executed by the transferee.

(b) Upon transfer of a special developer right, the liability of a transferor developer shall be as follows:

(1) A transferor shall not be relieved of any obligation or liability arising before the transfer and shall remain liable for warranty obligations imposed upon him by this chapter. Lack of privity shall not deprive any time-share owner of standing to maintain an action to enforce any obligation of the transferor.

(2) If a successor to any special developer right is an affiliate of a

developer, the transferor shall be jointly and severally liable with the successor for any obligations or liabilities of the successor relating to the time-share property.

(3) If a transferor retains any special developer right, but transfers other special developer rights to a successor who is not an affiliate of the developer, the transferor shall be liable for any obligations or liabilities imposed on a developer either by this chapter or by the time-share instrument relating to the retained special developer rights and arising after the transfer.

(4) A transferor shall not be liable for any act or omission or any breach of the contractual or warranty obligation arising from the exercise of a special developer right by a successor developer who is not an affiliate of the transferor.

(c) Unless otherwise provided in a mortgage instrument, in case of foreclosure of a mortgage, tax sale, judicial sale, or sale under bankruptcy code or receivership proceedings, of any time-shares owned by a developer in the time-share property, a person acquiring title to all the time-shares being foreclosed or sold succeeds to all special developer rights, or only to any rights reserved in the time-share instrument pursuant to section sixteen and held by said developer but only upon his request. The judgment or instrument conveying title shall provide for transfer of only the special developer rights requested.

(d) Upon foreclosure, tax sale, judicial sale, or sale under bankruptcy code or receivership proceedings, of all time-shares in a property owned by a developer

(1) the right to appoint, control, or serve as the managing entity shall terminate unless the judgment or instrument conveying title provides for transfer of all special developer rights to a successor developer; and

(2) the developer shall cease to have any other special developer rights.

(e) The liabilities and obligations of a person who succeeds to a special developer right shall be as follows:

(1) a successor to any special developer right who is an affiliate of a developer shall be subject to all obligations and liabilities imposed on the transferor by this chapter or by the time-share instrument;

(2) a successor to any special developer right, other than a successor described in clauses (3) or (4), who is not an affiliate of a developer, shall be subject to all obligations and liabilities imposed by this chapter or the time-share instrument:

(i) on a developer, which relate to his exercise or non-exercise of special developer rights; or

(ii) on his transferor other than:

(A) misrepresentation by any previous developer;

(B) warranty obligations on improvements made by any previous developer or made before the property became a time-share property;

(C) breach of any fiduciary obligation by any previous developer or his appointees; or

(D) any liability or obligation imposed on the transferor as a result of the transferor's acts or omissions after the transfer.



(3) a successor to only a right to maintain sales offices, management offices, models, and signs, if he is not an affiliate of a developer, may not exercise any other special developer right and shall not be subject to any liability or obligation as a developer, except the obligation to provide a public offering statement and any liability arising as a result thereof; and

(4) a successor to all special developer rights held by his transferor who is not an affiliate of said developer and who has succeeded to said rights pursuant to a deed in lieu of foreclosure or a judgment or instrument conveying title to the time-shares pursuant to subsection (c) may declare his intention to hold said rights solely for transfer to another person in an instrument recorded in the appropriate registry of deeds or land registration office. Thereafter, until transferring all special developer rights to any person acquiring title to any time-share owned by the successor, or until recording an instrument permitting exercise of all said rights, said successor may not exercise any of said rights other than any right held by his transferor to appoint, control, or serve as the managing entity, and any attempted exercise of said rights shall be void. So long as a successor may not exercise special developer rights under this subsection, he shall not be subject to any liability or obligation as a developer other than liability for his acts and omissions in appointing, controlling, or serving as the managing entity.

(f) Nothing in this section shall subject any successor to a special developer right to any claims against or other obligations of a transferor developer, other than claims and obligations arising under this chapter or the time-share instrument.

Section 23. (a) If, before the developer ceases to appoint, control or serve as the managing entity, there is entered into (i) any management contract, employment contract, or lease of recreational or parking areas or facilities between the managing entity and the developer or an affiliate of the developer, or (ii) any other contract or lease, between the managing entity and the developer or an affiliate of the developer, or (iii) any contract or lease that is not bona fide or was unconscionable to the time-share owners at the time entered into under the circumstances then prevailing, the contract or lease may be terminated without penalty by the association or, if there is no association, the time-share owners at any time after the developer ceases to appoint, control or serve as the managing entity, upon not less than ninety days' notice to the other party. This subsection shall not apply to any lease the termination of which would terminate the time-share property or reduce its size, unless the real estate subject to said lease was included in the property for the purpose of avoiding the right to terminate a lease under this section.

(b) If there is no association, any time-share owner individually or on behalf of the class of time-share owners may maintain an action for appropriate relief.

Section 24. Except to the extent otherwise provided by the time-share instrument, the managing entity shall be responsible for maintenance, repair, and replacement of the time-share units and any

personal property available for use by time-share owners in conjunction therewith, other than personal property separately owned by a time-share owner. Each time-share owner shall afford access to his time-share unit reasonably necessary for said purposes, but if damage is inflicted on a time-share unit to which access is taken, the managing entity shall be responsible for its prompt repair. Subject to the provisions of the time-share instrument and other provisions of law, a time-share owner shall not alter or change the appearance of a time-share unit without the consent of the managing entity.

Section 25. (a) A time-share owner shall be personally liable for his acts and omissions and those of his employees and agents other than the managing entity.

(b) An action shall not be maintained against a time-share owner, nor shall a time-share owner be precluded from maintaining an action, solely because he owns a time-share or is an officer, director, or member of the association.

(c) An action in tort alleging a wrong done by a developer, a managing entity selected by the developer or his appointees, or an agent or employee of either, in connection with any portion of the property which the developer or the managing entity has the responsibility to maintain, shall not be maintained against the association or any other time-share owner other than the developer. Other actions in tort alleging a wrong done by an association or by an agent or employee of the association or an action arising from a contract made by or on behalf of the association shall be maintained only against the association. If the tort or breach of contract occurred during any period of developer control, the developer shall be subject to liability for all unreimbursed losses suffered by the association or time-share owners as a result, including costs and reasonable attorney's fees. The operation of any statute of limitations affecting the right of action of the association or time-share owners under this section shall be tolled until the period of developer control terminates. A time-share owner shall not be precluded from maintaining an action contemplated by this subsection because he is a time-share owner or a member or officer of the association.

(d) A judgment for money against an association, if recorded in the registry of deeds or land registration office for the district in which the time-share property is located, shall be a lien against all of the time-shares, but no other property of a time-share owner shall be subject to the claims of creditors of the association.

(e) A judgment against the association shall be indexed in the name of the association.

Section 26. (a) Commencing not later than the time a developer offers a time-share for sale in a time-share property in which the number of time-shares is more than twelve, the managing entity shall maintain, to the extent reasonably available and applicable and not otherwise agreed by the time-share owners or provided by the developer or by a person managing a project of which the time-share property is a part:

(1) fire, extended coverage and all risk insurance on the time-share

property and any personal property available for use by time-share owners in conjunction therewith, other than personal property separately owned by a time-share owner, in a total amount, after application of any deductibles, of not less than ninety per cent of the full replacement value of the insured property, exclusive of land excavations, foundations, and other items normally excluded from property policies; and

(2) comprehensive public liability insurance, including medical payments insurance, in an amount determined by the managing entity but not less than any amount specified in the time-share instrument, covering all occurrences commonly insured against, for death, bodily injury, and property damage arising out of or in connection with the use, ownership, or maintenance of the time-share property and time-share units.

(b) If the insurance described in subsection (a) is not reasonably available, the managing entity promptly shall cause notice of said fact to be hand-delivered or sent by prepaid mail to all time-share owners. The managing entity shall make copies of all insurance policies available for inspection by the time-share owners during normal business hours. The time-share instrument may require the managing entity to maintain any other insurance, and the managing entity in any event may maintain any other insurance deemed appropriate.

(c) Each insurance policy maintained pursuant to subsection (a) shall provide that:

(1) each time-share owner is an insured person under the policy whether designated as an insured by name individually or as part of a named group or otherwise, as his interest may appear;

(2) the insurer waives its right to subrogation under the policy against any time-share owner or members of his household;

(3) no act or omission of any time-share owner, unless acting within the scope of his authority on behalf of an association, will void the policy or be a condition to recovery by any other person under the policy; and

(4) if, at the time of a loss under the policy, there is other insurance in the name of a time-share owner covering the same risk covered by the policy, the policy maintained pursuant to subsection (a) shall be primary insurance not contributing with the other insurance, and other insurance in the name of a time-share owner shall apply only to loss in excess of the primary coverage.

(d) Unless the insurance required by clause (1) of subsection (a) is provided by a person managing a project of which the time-share property is a part, any loss covered by said insurance shall be adjusted with, and the insurance proceeds from said loss payable to, the insurance trustee, who may be a party in interest, designated in accordance with the time-share instrument. If no insurance trustee has been designated or if the designated trustee fails to serve, the managing entity shall be the insurance trustee. The insurance trustee shall hold any insurance proceeds in trust for time-share owners and lien holders as their interests may appear and be determined in accordance with the provisions of section fifteen. Subject to the provisions of subsection (g), the proceeds shall be disbursed for the repair or restoration of the

property, and time-share owners and lien holders shall not be entitled to receive payment of any portion of the proceeds unless there is (i) a surplus of proceeds after the property has been completely repaired or restored, or (ii) a termination pursuant to section fifteen.

(e) An insurance policy issued pursuant to subsection (a) shall not prevent a time-share owner from obtaining insurance for his own benefit.

(f) An insurer that has issued an insurance policy under this section shall issue certificates or memoranda of insurance to any association and, upon written request, to any time-share owner or mortgagee. The insurance may not be cancelled until thirty days after notice of the proposed cancellation has been mailed to any managing entity and each person to whom a certificate or memorandum of insurance has been issued, at their last known address.

(g) Any portion of the time-share property damaged or destroyed shall be repaired or replaced promptly by the managing entity unless (i) another person repairs or replaces it, (ii) there is a termination, (iii) repair or replacement would be illegal, (iv) eighty per cent of the time-share owners, including every owner of a time-share in a time-share unit that will not be rebuilt, vote not to rebuild, or (v) a decision not to rebuild the damaged property is made by another person empowered to make said decision. The cost of repair or replacement in excess of insurance proceeds and reserves shall be a time-share expense. If the entire property need not be repaired or replaced, unless the time-share instrument provides otherwise, (i) the insurance proceeds attributable to the damaged area shall be used to restore the damaged area to a condition comparable to the remainder of the property, and (ii) the insurance proceeds attributable to time-share units that are not rebuilt shall be distributed as if said units constituted a time-share property in which all time-shares had been terminated under section fifteen.

(h) The provisions of this section may be varied or waived in the case of a time-share property in which none of the time-share units may be used as dwellings or for recreational purposes.

Section 27. Unless otherwise provided in the time-share instrument, the by-laws, rules or regulations of the time-share association or otherwise determined by the time-share owners at a meeting of time-share owners or pursuant to either section thirty-three or thirty-four, any surplus funds derived from the time-share owners or from property belonging to said time-share owners or their association and held by a managing entity remaining after payment of or provision for time-share expenses and any required reserves shall be paid to the time-share owners in proportion to their time-share expense liabilities or credited to them to reduce their future time-share expense assessments.

Section 28. (a) Until time-share expense assessments are made against the time-share owners, the developer shall pay all time-share expenses. After any time-share expense assessment has been made against the time-share owners, time-share expense assessments shall be made at least annually, based on a budget adopted at least annually by

the managing entity. At the time the time-share owners are notified of the amount of the assessment for the current year, the time-share owners shall be provided with a copy of the budget prepared in accordance with the provisions of clause (6) of subsection (a) of section thirty-eight and an accounting of income and expenses for the preceding year.

(b) Except for assessments under subsections (c), (d) and (e), all time-share expenses shall be assessed against all the time-shares in accordance with the allocation set forth in the time-share instrument pursuant to section thirteen. Any past due assessment or installment thereof shall bear interest at the rate established by the managing entity or time-share instrument not exceeding eighteen per cent per annum.

(c) To the extent required by the time-share instrument any time-share expense directly related to a time-share unit and incurred in providing a service or facilities which are available to fewer than all of the time-share owners may be assessed exclusively against the time-share owners benefited.

(d) Assessments to pay a judgment against the association shall be made only against the time-shares in the time-share property at the time the judgment was entered, in proportion to their time-share expense liabilities.

(e) If any time-share expense is caused by the misconduct of any time-share owner, the association may assess said expense exclusively against his time-share.

(f) If time-share expense liabilities are reallocated, time-share expense assessments and any installment thereof not yet due shall be recalculated in accordance with the reallocated time-share expense liabilities.

(g) Any amount identified in the budget as an amount to be reserved for the repair or replacement of the time-share unit or the furnishings, equipment and appliances located therein, shall be segregated by the managing entity, held in trust and used only for the specified purpose for which the reserve was collected unless the time-share owners, at a meeting of time-share owners, or pursuant to either section thirty-three or thirty-four determine to spend said funds for other purposes. Any ballot for any proposal to spend reserve funds for purposes other than that for which they were collected shall be accompanied by an explanation in plain language of the reasons therefor and consequences if any of so doing.

Section 29. (a) A person who has a duty to make assessments for time-share expenses shall have a lien on a time-share for any assessment levied against that time-share or fines imposed against its owner from the time the assessment or fine becomes due. Said lien shall be enforced in the manner provided in section five of chapter two hundred and fifty-four. Unless the time-share instrument otherwise provides, fees, charges, late charges, fines, and interest charged pursuant to clauses (8) and (9) of subsection (a) of section twenty shall be enforceable as assessments under this section. If an assessment is payable in installments, the full amount of the assessment shall be a lien from the

time the first installment thereof becomes due.

(b) A lien under this section shall be prior to all other liens and encumbrances on a time-share except (i) liens and encumbrances recorded before the recording of the time-share instrument, (ii) mortgages on the time-share securing first mortgage holders and recorded before the due date of the assessment or the due date of the first installment payable on the assessment (iii) liens for real estate taxes and other governmental assessments or charges against the time-share, and (iv) liens securing assessments or charges made by a person managing a project of which the time-share property is a part; provided, however, that said priority of said lien shall be limited to such portion of said assessment as becomes due within six months prior to the commencement of an action to enforce such lien. This subsection shall not affect the priority of mechanics' or materialmen's liens. The lien under this section shall not be subject to the provisions of chapter one hundred and eighty-eight.

(c) The lien shall be perfected upon the recording of a claim or notice of lien in the registry of deeds or land registration office for the district in which the time-share unit is situated.

(d) A lien for unpaid assessments shall be dissolved unless proceedings to enforce said lien are commenced within three years after the assessments become due and payable.

(e) This section shall not prohibit actions to recover sums for which subsection (a) creates a lien or preclude resort to any contractual or other remedy permitted by law.

(f) A judgment or decree in any action brought under this section may include costs and reasonable attorney's fees for the prevailing party.

(g) A person who has a duty to make assessments for time-share expenses shall furnish to a time-share owner upon written request a statement recordable in form setting forth the amount of unpaid assessments currently levied against his time-share. Said statement shall be furnished within ten business days after receipt of the request and shall be binding in favor of persons reasonably relying thereon.

Section 30. A person who has a duty to make assessments for time-share expenses shall keep financial records sufficiently detailed to enable him to comply with section forty-two. All financial and other records shall be made reasonably available for examination by any time-share owner or his authorized agent.

Section 31. A third person dealing with a trustee, pursuant to the provisions of section fifteen or twenty-six, may assume without inquiry the existence of trust powers and the proper exercise thereof by the trustee. A third person shall not be bound to inquire whether the trustee has power to act as trustee or is properly exercising trust powers, and a third person without actual knowledge that the trustee is exceeding or improperly exercising his powers shall be fully protected in dealing with the trustee as if the trustee possessed and was properly exercising the powers he purports to exercise. A third person shall not be bound to assure the proper application of trust assets paid or delivered to the trustee in his capacity as trustee.

Section 32. (a) For the purposes of this section and sections thirty-three, thirty-four and thirty-five:

(1) "Owner" shall mean a person who is an owner or co-owner of a time-share estate or a time-share license or, in the case of a unit that is not a time-share unit, a person who is an owner or co-owner of said unit, other than as security for an obligation.

(2) A project is limited to one in which at least fifty per cent of the votes are allocated to time-shares other than time-share licenses.

(b) The managing entity shall keep reasonably available for inspection and copying by any time-share owner all addresses, known to it or to the developer, of all the time-share owners with the principal permanent residence address of each indicated if known. The managing entity shall revise continually the list of addresses in the light of any information it obtains, and the developer shall keep the managing entity advised of any information he has or obtains.

(c) Each ballot prepared pursuant to sections thirty-three, thirty-four and thirty-five shall contain:

(1) a statement that the ballot shall not be counted unless signed by an owner;

(2) the specification of a date, not less than thirty or more than one hundred and eighty days after the date the ballot is mailed, by which the ballot must be received by the person to whom it is to be returned, and a statement that the ballot shall not be counted unless received by said date;

(3) the name and address of the person to whom the ballot is to be returned; and

(4) only the material required by sections nineteen to thirty-five, inclusive.

(d) Each ballot mailed pursuant to sections thirty-three, thirty-four and thirty-five shall be mailed to the principal permanent residence of the owner to whom it is addressed, if known to the person responsible for mailing it, and said person shall procure and keep reasonably available for inspection for at least one year after the vote is calculated a certificate of mailing for each and the original or a copy of each ballot returned by the date specified pursuant to clause (2) of subsection (c).

(e) If the managing entity, the developer, or anyone on behalf of either of them communicates with any owner, other than as expressly provided by section thirty-three, thirty-four or thirty-five on the subject matter of any petition or ballot prepared pursuant to any of said sections, the expense of said communication shall not be assessed directly or indirectly in whole or in part to any owner other than the developer.

(f) The vote allocated to any time-share and to any unit other than a time-share unit shall be counted as having been cast in accordance with the ballot of any owner of that time-share or unit. If the ballots of different owners of the same time-share unit, or of the same unit other than a time-share unit, are not in accord with one another, the vote allocated to that time-share or unit shall be divided in proportion to the number of owners thereof voting each way and shall be counted

accordingly. Any ballot that is not signed by an owner or is not received by the date specified pursuant to clause (2) of subsection (c) shall be void.

(g) The managing entity shall take action reasonably calculated to notify all owners of the resolution of any matters resolved by methods authorized by section thirty-three, thirty-four or thirty-five.

(h) An amendment to a project instrument adopted pursuant to section thirty-three or thirty-four shall be recorded in the appropriate registry of deeds or land registration office forthwith by the managing entity with a statement of the vote and shall become effective upon recording.

(i) No right or power of an owner under this section or section thirty-three, thirty-four or thirty-five may be waived, limited, or delegated by contract, power of attorney, proxy, or otherwise, in favor of the developer, an affiliate of a developer, a managing entity, or any person designated by any of them.

Section 33. (a) The owners may amend the project instrument or any unrecorded document governing the project, or approve or disapprove any proposed expenditure, in the manner provided by this section in addition to any manner permitted by law or by the instrument or document.

(b) Any owner may deliver to the managing entity a petition containing the language of any proposed amendment or proposal for the approval or disapproval of any proposed expenditure and signed by owners of at least one time-share or other estate or interest in each of a number of units to which at least ten per cent of the votes are allocated, or any smaller percentage specified by the document to be amended. The owner delivering said petition may attach to it a letter of not more than two pages to be mailed with the ballots. Within ten days after receiving said petition, the managing entity shall mail to each owner a ballot setting forth the language of the petition and affording an opportunity to indicate a preference between approval and disapproval of said proposed amendment or proposal, together with a copy of any letter of not more than two pages attached by the owner who delivered said petition. The ballot may also be accompanied by a letter of not more than two pages from the managing entity recommending approval or disapproval of said proposed amendment or proposal.

(c) On the date specified pursuant to clause (2) of subsection (c) of section thirty-two, the managing entity shall examine the ballots that have been returned and calculate the vote accordingly. A signature on the petition shall be treated for the purpose of subsection (f) of section thirty-two as a ballot from the signer indicating approval of the proposed amendment or proposal. A simple majority of the votes counted shall be sufficient for the adoption of the proposed amendment or proposal unless the law or the document to be amended specifies a larger majority or, in the case of a proposed expenditure, the project instruments specify a larger majority not exceeding sixty-six and two-thirds per cent. No document may specify more than a simple majority for any proposed amendment or proposal the managing entity could have effected unilaterally. No proposed amendment or proposal may be adopted by an initiative unless the ballots favoring the proposed



amendment or proposal represent at least twenty-five per cent of the votes allocated to all owners.

(d) A proposed amendment or proposal adopted pursuant to this section may not be repealed or modified within two years except by another initiative pursuant to this section. After said two year period, the managing entity may not repeal or modify the result without the approval of the owners in a referendum. If the project instrument permits the managing entity to initiate a referendum for said purpose, no referendum may be initiated for said purpose more often than once every two years.

Section 34. (a) No amendment to the project instrument may be adopted except pursuant to this section or section thirty-three. The project instrument may specify other matters to be determined by referendum of the owners and may permit the managing entity to select matters to be determined in said manner.

(b) If an amendment to a project instrument proposed by the managing entity, or other matter, is to be determined by referendum, the managing entity shall prepare and, not less than thirty or more than one hundred and eighty days before the votes are to be counted, shall mail to each owner a ballot stating each matter to be determined and affording the opportunity to vote "yes" or "no" on each matter. The ballot may be accompanied by a letter from the managing entity recommending a particular decision.

(c) On the date specified pursuant to clause (2) of subsection (c) of section thirty-two, the managing entity shall examine the ballots that have been returned and calculate the vote accordingly. A simple majority of the votes counted shall determine each matter unless the project instrument specifies a larger majority, but no matter may be determined by referendum unless the ballots favoring the majority decision represent at least twenty-five per cent of the votes allocated to all owners.

Section 35. (a) During the period of time the developer appoints, controls or serves as the managing entity, the owners may discharge the manager with or without cause in the manner provided by this section in addition to any manner permitted by law or the project instrument.

(b) Any owner may prepare a ballot affording the opportunity to indicate a preference between retaining the present manager and discharging him in favor of a new manager; provided, however, that the owners of at least one time-share or other estate or interest in each of a number of units to which at least ten per cent of the votes are allocated sign a petition authorizing said owner to prepare said ballot on their behalf. A copy of said ballot and of any letter to be mailed with said ballot shall be delivered to the manager. Said ballot and a copy of any said letter, together with a copy of any written reply received from the manager containing no more pages than said letter, shall be mailed not less than ten or more than thirty days from the date of delivery to said manager to each owner by the owner who prepared the ballot.

(c) On the date specified pursuant to clause (2) of subsection (c) of section thirty-two, the person who receives the ballots shall examine the

ballots that have been returned, calculate the vote accordingly, and forthwith notify the manager of the result. If at least sixty-six and two-thirds per cent of all of the votes allocated to all time-share owners, which votes represent at least thirty-three and one-third per cent of the votes allocated to all owners, favor discharging the manager, the developer also shall be notified of said result, the ballots or copies thereof shall be given forthwith to the manager, and the developer shall forthwith diligently attempt to procure offers for management contracts from prospective managers. Any owner also may attempt to procure such offers. If the developer or any owner obtains such an offer within sixty days after the date the vote was calculated, he shall forthwith notify the developer and the owner who was responsible for calculating the vote. If no offer is obtained from a prospective manager other than the current manager within said sixty days, said period shall be extended for successive intervals of thirty days each until such an offer is obtained. At the end of said period, the owner who prepared the ballot, or the developer if said owner so directs in a writing delivered to the developer, shall forthwith prepare and mail to each owner a second ballot stating at least the term and compensation provided by each offer that has been received and affording an opportunity to indicate a preference for any one of the offers or for retaining the current manager. A letter recommending that a particular offer be accepted or that the current manager be retained may accompany the ballot, and if the developer prepared the ballot he shall enclose a copy of any such letter submitted to him by the owner who was responsible for calculating the vote.

(d) On the date specified pursuant to clause (2) of subsection (c) of section thirty-two, the person who receives the ballots prepared pursuant to subsection (c) shall examine the ballots that have been returned, calculate the vote accordingly, forthwith notify the manager of the result, and hold the ballots available for inspection by the manager and any proposed manager for at least thirty days. If more votes favor accepting a particular offer than retaining the manager, the manager shall be discharged ninety days after he is notified of said result, but, if the ballot prepared pursuant to subsection (b) was delivered to the manager before the current term of the manager began, the manager shall be discharged immediately upon being notified of said result. The person who received the ballots prepared pursuant to subsection (c) shall forthwith accept on behalf of the owners the offer that received the largest number of votes. The expenses thereunder shall be thereafter part of the common expenses.

(e) A manager discharged pursuant to this section shall not be entitled by reason of his discharge to any penalty or other charge payable directly or indirectly in whole or in part by any owner other than the developer.

(f) The reasonable expenses incurred by any owner in obtaining offers and preparing and mailing ballots pursuant to this section, including reasonable attorney's fees, shall be promptly collected by the managing entity from all owners as a common expense and paid to said owner if a

simple majority of the vote calculated pursuant to subsection (c) favors the discharge of the manager. Similar expenses incurred by the developer also shall be so collected and promptly paid to the developer.

Section 36. (a) Sections thirty-six to fifty-five, inclusive, shall apply to all time-shares subject to this chapter except as provided in subsection (b).

(b) Neither a public offering statement nor the materials required by section forty-two need be prepared or delivered in the case of:

- (1) a gratuitous disposition of a time-share;
- (2) a disposition pursuant to court order;
- (3) a disposition by a government or governmental agency;
- (4) a disposition by foreclosure or deed in lieu of foreclosure;
- (5) a disposition that may be cancelled at any time and for any reason by the purchaser without penalty;

(6) a disposition of a time-share in a unit situated wholly outside the commonwealth pursuant to a contract executed wholly outside the commonwealth, if there has been no offering within the commonwealth;

(7) an offering by a developer of time-shares in no more than one time-share unit at any one time; or

(8) a disposition of a time-share property or all time-shares therein to one purchaser.

Section 37. (a) Except as provided in subsection (b), a developer, prior to the offering of any interest in a unit to the general public, shall prepare a public offering statement conforming to the requirements of sections thirty-eight, thirty-nine and forty.

(b) A developer may transfer responsibility for preparation of all or a part of the public offering statement to a successor developer or to a person in the business of selling real estate who intends to offer time-shares in the time-share property for his own account. In the event of said transfer of responsibility, the transferor shall provide the transferee with any information necessary to enable the transferee to fulfill the requirements of subsection (a).

(c) Any developer, agent of a developer or person in the business of selling real estate who offers a time-share for his own account to a purchaser shall deliver a public offering statement in the manner prescribed in subsection (a) of section forty-one. The person who prepared all or a part of the public offering statement shall be liable under sections forty-one and forty-nine for any false or misleading statement set forth therein or for any omission of material fact therefrom with respect to that portion of the public offering statement which he prepared. If a developer, agent of a developer or said person in the business of selling real estate did not prepare any part of a public offering statement that he delivers, he shall not be liable for any false or misleading statement set forth therein or for any omission of material fact therefrom unless he had actual knowledge of the statement or omission, or in the exercise of reasonable care, should have known of the statement or omission.

(d) If a time-share property is part of any other real estate multi-location plan in connection with the sale of which the delivery of a

public offering statement is required, a single public offering statement conforming to the requirements of sections thirty-eight, thirty-nine and forty as said requirements relate to all real estate multi-location plans in which the time-share property is located, and to any other requirements imposed by law, may be prepared and delivered in lieu of providing two or more public offering statements.

Section 38. (a) A public offering statement shall be written in clear and concise language and shall be furnished to the purchaser at the time of the signing of a contract to purchase and shall contain or fully and accurately disclose:

(1) the name and principal address of the developer and the location of the time-share property;

(2) a general description of the time-share property and the time-share units, including without limitation the number of units in the time-share property and in any project of which said time-share property is a part, and the schedule of commencement and completion of all improvements, and a copy of the current price list;

(3) as to all units owned or offered by the developer in the same project:

(i) the types and number of units;

(ii) identification of units that are time-share units;

(iii) the types and durations of the time-shares;

(iv) the maximum number of units that may become part of the time-share property; and

(v) a statement of the maximum number of time-shares that may be created or that there is no maximum;

(4) copies of and a brief narrative description of the significant features of the time-share instrument and any documents referred to therein, other than any plats and plans, copies of any contracts or leases to be signed by purchasers at closing, and a brief narrative description of any contracts or leases subject to cancellation by the time-share owners under section twenty-three;

(5) the identity of the managing entity and the manner, if any, whereby the developer or the owners of the time-share units may change the managing entity or its control;

(6) a current balance sheet and a projected budget for the association, if there is an association, either within or as an exhibit to the public offering statement, for one year after the date of the first transfer to a purchaser, and thereafter the current budget, a statement of who prepared the budget, and a statement of the budgetary assumptions concerning occupancy and inflation factors. The budget shall include, without limitation:

(i) a statement of the amount, or a statement that there is no amount, included in the budget as a reserve for repairs and replacement;

(ii) a statement of any other reserves;

(iii) the projected time-share expense liability by category of expenditures for the time-share units; and

(iv) the projected time-share expense liability for each time-share;

(7) a description of (i) the nature and purposes of all charges, dues,

maintenance fees, and other expenses that may be assessed, (ii) the current amounts assessed, (iii) the method and formula for changes, and (iv) the method and formula for allocating said expenses between the time-share owners and the developer or managing entity or any affiliate of either of them and the method and formula for allocating said expenses between time-share property and the person who owns or controls any property in the project which is not a time-share unit or used solely as an appurtenance thereto;

(8) any services which the developer provides or expenses he pays and which he expects may become at any subsequent time a time-share expense of the time-shares, and the projected time-share expense liability attributable to each of said services or expenses for each time-share;

(9) any initial or special fee due from the purchaser at closing, together with a description of the purpose of the fee and the method of its calculation;

(10) a statement describing the existence of and the effect on the time-share owners of liens, defects, or encumbrances on or affecting the title to the time-share units;

(11) a statement as to whether or not title insurance is available, the charge for title insurance, if available and a copy of a specimen title insurance policy, if available;

(12) a description of any financing offered by the developer;

(13) the terms and significant limitations of any warranties provided by the developer, including statutory warranties and limitations on the enforcement thereof or on damages;

(14) a statement that:

(i) within three business days after the date of receipt of a public offering statement, a purchaser may cancel any contract for purchase of a time-share from a developer;

(ii) if a developer fails to provide a public offering statement to a purchaser at least five business days before the delivery of a deed, notice of time-share lease or time-share license, whichever is applicable, the purchaser is entitled, in addition to any other remedy, to recover from the developer an amount equal to ten per cent of the sales price of the time-share;

(iii) if a purchaser receives the public offering statement more than five business days before the date of signing a contract, he cannot cancel the contract for failure timely to receive the public offering statement;

(iv) the creation, management and sale of time-share units and the contents of this public offering statement are regulated by this chapter and a violation of the provisions of this chapter shall give a purchaser a right of action as provided in section forty-nine. Said statement shall be printed in bold face type; and

(v) a time-share deed or notice of a time-share lease or time-share license shall be recorded in the registry of deeds or land registration office for the district in which the time-share property is located in order to protect the purchaser.

(15) a statement of any unsatisfied judgments against the developer or

the managing entity, the status of any pending actions involving the sale or management of real estate to which the developer or an affiliate of the developer or the managing entity or an affiliate of the managing entity is a defending party, and the status of any pending actions of which the developer has actual knowledge, of significance to the time-share units;

(16) a statement that any deposit made in connection with the purchase of a time-share shall be held in an escrow account until expiration of the time for rescission or cancellation or any later time specified in the contract to purchase the time-share, and shall be returned to the purchaser if the purchaser cancels the contract pursuant to section forty-one;

(17) any restraints on transfer of time-shares or portions thereof;

(18) a description of the insurance coverage provided for the benefit of time-share owners;

(19) any current or expected fees or charges to be paid by time-share owners for the use of any facilities related to the project;

(20) a reasonable description of the furnishings, equipment or appliances provided with each time-share unit or a statement that no furnishings, equipment or appliances shall be provided; and the charge, if any, therefor;

(21) a description of all real estate and facilities owned by the developer, other than time-share units, the rights of time-share owners, if any, to use and occupy said real estate or facilities and the charge if any, therefor;

(22) the extent to which financial arrangements have been provided for completion of all promised improvements pursuant to section fifty-one;

(23) the extent to which a time-share unit may become subject to a tax or other lien arising out of claims against other time-share owners of the same time-share unit;

(24) a description of the rights and remedies provided in the time-share instrument of a time-share owner who is prevented from enjoying exclusive occupancy of a time-share unit by others, or a statement that no such rights and remedies are provided in said instrument; and

(25) all unusual or material circumstances, features and characteristics of the project.

(26) a description of any contractual arrangement requiring a developer to offer its time-share purchasers affiliation with any specific exchange company and the duration of any such requirement.

(b) A developer shall promptly amend (i) the public offering statement to report any material or adverse change in the information required by subsection (a) and section thirty-nine and (ii) the public offering statement or any supplement thereto to report any material or adverse change known to him in the information required by sections fifty-three and fifty-four.

Section 39. (a) If a conversion building that includes or is to include one or more time-share units is more than ten years old and the

developer or any affiliates of the developer own or control more than fifty per cent of all units in the project, the public offering statement shall contain, in addition to the information required by section thirty-eight:

(1) a statement by the developer, based on a report prepared by an independent registered architect or engineer, describing the present condition of all structural components and mechanical and electrical installations material to the use and enjoyment of the time-share units;

(2) a statement by the developer of the expected useful life of each item reported on in clause (1) or a statement that no representations shall be made in that regard; and

(3) a list of any outstanding notices of uncured violations of building codes or other municipal regulations, together with the estimated cost of curing said violations;

(b) This section shall apply only to units in which use as a dwelling or for recreational purposes, or both, is permissible.

Section 39A. The units created or constructed under this chapter shall conform to the regulations promulgated pursuant to section thirteen A of chapter twenty-two.

Section 40. If a time-share is currently registered with the securities and exchange commission of the United States, a developer satisfies all requirements of this chapter relating to the preparation of a public offering statement if he delivers to the purchaser a copy of the public offering statement filed with said securities and exchange commission.

Section 41. (a) A person required to deliver a public offering statement pursuant to subsection (c) of section thirty-seven shall, before transfer of a time-share and no later than the date of a contract of sale, provide a prospective purchaser with (i) a copy of the public offering statement and all amendments, exhibits and supplements thereto, and (ii) the disclosures required in the case of resales pursuant to subsection (a) of section forty-two. Unless the purchaser has received said materials more than three business days before the date of execution of any contract of sale or the transfer of a time-share, the contract or transfer shall be voidable by him until he has received said materials and for five business days thereafter.

(b) If a purchaser elects to cancel a contract pursuant to subsection (a), he may do so by hand-delivering written notice thereof to the seller or to his agent for service of process, by mailing notice thereof to the seller or to his agent for service of process by registered mail, return receipt requested, by telegram or by courier service with guaranteed next day delivery. Notice shall be deemed given on the date of postmark or if by telegram or courier service on the date when transmitted from the place of origin. Cancellation shall be without penalty, and all payments made by the purchaser before cancellation shall be refunded immediately if the purchaser's deposit check shall not have been deposited in the seller's bank account or if it has been so deposited within seven days after receipt of the notice of cancellation, but in no event prior to the first business day following the date on which the amount of the deposit is finally and unconditionally credited to the

seller's account or if such deposit was made by credit card, such refund shall be made by immediate issuance of a credit to the purchaser's credit card account.

(c) If a person required to deliver a public offering statement pursuant to subsection (c) of section thirty-seven fails to provide a purchaser to whom a time-share is transferred with information which satisfies in all material respects the requirements of subsection (a), the purchaser, in addition to any rights to damages or other relief, is entitled to receive from the seller an amount equal to ten per cent of the sales price of the time-share.

Section 42. (a) Except in the case of a sale where delivery of a public offering statement is required, or unless exempt under subsection (b) of section thirty-six, a seller of a time-share shall furnish to the purchaser before execution of any contract of sale, or before the transfer of title whichever first occurs, a copy of the time-share instrument, other than any plats or plans, and a certificate containing:

(1) a statement disclosing the effect on the proposed transfer of any right of first refusal or other restraint on transfer of the time-share or any portion thereof;

(2) a statement setting forth the amount of the periodic time-share expense liability and any unpaid time-share expense or special assessment or other sums currently due and payable from the seller;

(3) a statement of any other fees payable by time-share owners; and

(4) a statement of any judgments or other matters that are or may become liens against the time-share or the time-share unit and the status of any pending actions that may result in said liens.

(b) A managing entity, within ten days after a request by a time-share owner, shall furnish a certificate containing the information necessary to enable the time-share owner to comply with this section. A time-share owner providing a certificate pursuant to subsection (a) shall not be liable to the purchaser for any erroneous information provided by the managing entity and included in said certificate, other than for judgment liens against the time-share or the time-share unit.

(c) A purchaser shall not be liable for any unpaid time-share expense liability or fees in an amount greater than the amount set forth in a certificate prepared by a managing entity. A time-share owner shall not be liable to a purchaser for the failure or delay of a managing entity to provide the certificate in a timely manner, but the contract of sale shall be voidable by the purchaser until the certificate has been provided and for five days thereafter or until transfer, whichever first occurs.

Section 43. (a) Any deposit made in connection with the purchase or reservation in the commonwealth of a time-share from a person required to deliver a public offering statement pursuant to subsection (c) of section thirty-seven shall be placed in escrow, either in the commonwealth or in the state where the time-share project is located, in an account designated solely for said purpose by a licensed title insurance company, an attorney, a licensed real estate broker or an institution whose accounts are insured by a governmental agency or instrumentality until (i) delivered to said person required to deliver a



public offering statement at the expiration of the time for cancellation or any later time specified in any contract of sale, (ii) delivered to said person because of the purchaser's default under a contract to purchase the time-share, or (iii) refunded to the purchaser. The interest, if any, earned on the deposit while it is held in escrow shall be credited to the account of the purchaser.

(b) A seller may hold until the receipt of a notice of cancellation, or the fifteenth day following the cancellation period provided for in section forty-one, an instrument of payment, including but not limited to a credit account authorization, made by a purchaser which is payable to the escrow agent. After expiration of said fifteen days, if no notice of cancellation is received, said instrument shall be deposited as provided in subsection (a).

Section 44. (a) In the case of a sale of a time-share where delivery of a public offering statement is required pursuant to subsection (c) of section thirty-seven, a seller shall, before transferring a time-share, record in the appropriate registry of deeds or land registration office or furnish to the purchaser releases of all liens affecting said time-share which the purchaser does not expressly agree to take subject to or assume, or shall provide a surety bond as provided in section fourteen of chapter two hundred and fifty-four.

(b) If a lien other than a mortgage becomes effective against more than one time-share estate, any time-share owner is entitled to a release of his time-share estate from said lien upon payment of his proportionate liability for said lien in accordance with time-share expense liability unless he or his predecessor in interest agreed otherwise with the lienor. After payment, the managing entity shall not assess or have a lien against said time-share estate for any portion of the time-share expenses incurred in connection with said lien.

(c) If a lien is to be foreclosed or enforced against all time-shares in a time-share property, service of process shall be made upon the managing entity, if any, and shall constitute service thereof upon all the time-share owners for the purposes of foreclosure or enforcement. The managing entity shall forward promptly, by registered mail, a copy thereof to each time-share owner at his last address known to the managing entity. The cost of said forwarding shall be paid in advance by the holder of the lien and may be taxed as a cost of the enforcement proceeding. Said notice shall not be sufficient for the entry of a deficiency or other personal judgment against any time-share owner.

Section 45. (a) Express warranties made by any seller to a purchaser of a time-share shall be created as follows:

(1) any affirmation of fact or promise which relates to the time-share, the time-share unit, rights appurtenant to either, area improvements that would directly benefit the time-share, or the right to use or have the benefit of facilities not located on the time-share unit, creates an express warranty that the time-share, the time-share unit, and related rights and uses shall conform to the affirmation or promise;

(2) any model or description of the physical characteristics of the time-share property, including plans and specifications of or for

improvements, creates an express warranty that the property shall conform to the model or description, provided, however, that this paragraph shall not preclude the substitution of items of substantially the same kind, function and quality as those in the model or description;

(3) any description of the quantity or extent of the real estate constituting the time-share property, including plats or surveys, creates an express warranty that the property shall conform to the description, subject to customary tolerances; and

(4) a provision that a purchaser may put a time-share unit only to a specified use is an express warranty that the specified use is lawful.

(b) Neither formal words, such as "warranty" or "guarantee", nor a specific intention to make a warranty, shall be necessary to create an express warranty of quality, but a statement purporting to be merely an opinion or commendation of the time-share, the time-share unit, or the value of either shall not create a warranty.

(c) Any transfer of a time-share transfers to the purchaser all express warranties of quality made by previous sellers.

Section 46. (a) A developer and any person in the business of selling real estate for his own account warrants that a time-share unit shall be in at least as good condition at the earlier of the time of the transfer or of the delivery of possession as it was at the time of contracting, reasonable wear and tear excepted.

(b) A developer and any person in the business of selling real estate for his own account impliedly warrants that a time-share unit and any other real property the time-share owners have a right to use in conjunction therewith shall be suitable for the ordinary uses of real estate of its type and that any improvements made or contracted for by him, or made by any person before transfer, shall be:

(1) free from defective materials; and

(2) constructed in accordance with applicable law, according to sound engineering and construction standards, and in a workmanlike manner.

(c) A developer and any person in the business of selling real estate for his own account warrants to a purchaser of a time-share that an existing use of the time-share unit, continuation of which is contemplated by the parties, does not violate applicable law at the earlier of the time of transfer or of the delivery of possession.

(d) Warranties imposed by this section may be excluded or modified as provided in section forty-seven.

(e) For purposes of this section, improvements made or contracted for by an affiliate of a developer are made or contracted for by the developer.

(f) Any transfer of a time-share transfers to the purchaser all implied warranties of quality, of any developer and any person in the business of selling real estate for his own account.

Section 47. (a) Except as limited by subsection (b) implied warranties of quality:

(1) may be excluded or modified by agreement of the parties; and

(2) shall be excluded by expressions of disclaimer, such as "as is", "with all faults", or other language that in common understanding calls

the purchaser's attention to the exclusion of warranties.

(b) With respect to a purchaser of a time-share in a time-share unit that may be used as a dwelling or for recreational purposes, no general disclaimer of implied warranties of quality shall be effective, but a developer may disclaim liability in an instrument signed by the purchaser for a specified defect or specified failure to comply with applicable law if the existence of the defect or failure entered into and became a part of the basis of the bargain.

Section 48. (a) A judicial proceeding for breach of any obligation arising under section forty-five or forty-six shall be commenced within four years after the cause of action accrues, but the parties may agree to reduce the period of limitation to not less than two years. With respect to a time-share unit that may be used as a dwelling or for recreational purposes, an agreement to reduce the period of limitation shall be evidenced by a separate instrument executed by the purchaser.

(b) Subject to subsection (c), a cause of action for breach of warranty of quality, regardless of the purchaser's lack of knowledge of the breach accrues, unless extended by agreement:

(1) as to a unit, at the time of the first transfer of a time-share therein by the seller to a bona fide purchaser; and

(2) as to other improvements, at the time each is completed.

(c) If a warranty of quality explicitly extends to future performance or duration of any improvement or component of the property, the cause of action accrues at the time the breach is discovered or at the end of the period for which the warranty explicitly extends, whichever first occurs.

Section 49. If a developer or any other person subject to this chapter fails to comply with any provision of this chapter or of the time-share instrument, any person or class of persons adversely affected by the failure to comply shall have a claim for appropriate relief. A failure to comply with the provisions of this chapter shall be deemed an unfair or deceptive act or practice under chapter ninety-three A.

Section 50. If any improvement in the time-share property is not required to be built, no promotional material may be displayed or delivered to prospective purchasers which describes or portrays said improvement unless the description or portrayal of the improvement shall be conspicuously labeled or identified as "NEED NOT BE BUILT".

Section 51. (a) The developer shall complete all promised improvements described in the time-share instrument and promotional materials.

(b) Unless the purchaser of a time-share agrees in writing to record the evidence of his ownership of the time-share, the developer or the managing entity shall record the time-share deed or notice of time-share lease or time-share license, on behalf of the purchaser in the appropriate registry of deeds or land registration office for the district in which the time-share property is located within five days after the performance of the terms and conditions of the purchase and sale agreement or within six months of the date of contract to purchase whichever shall occur earlier. All representations made by the developer

as of the date of delivery of the time-share deed or notice of time-share lease or license shall be true and correct on the date of recording said deed or notice by the developer.

Section 52. Any advertisement of a time-share property which includes the offer of a prize or other inducement shall prominently disclose the approximate fair market value, number of, and criteria to qualify for, each prize or inducement offered.

Section 53. (a) If a purchaser may participate in any exchange program, the developer, agent of a developer or person in the business of selling real estate for his own account shall, except as provided in subsection (b), deliver to the purchaser at the time of delivery of the public offering statement required by section thirty-seven, written information regarding said exchange program and the purchaser shall certify in writing to the receipt thereof. Said information shall include the following:

- (1) the name and address of the exchange company;
- (2) the names of all officers, directors, and shareholders owning five per cent or more of the outstanding stock of the exchange company;
- (3) a statement indicating whether the exchange company or any of its officers or directors has any legal or beneficial interest in any developer or managing entity for any time-share plan participating in the exchange program and, if so, the name and location of the time-share property and the nature of the interest;
- (4) unless the exchange company is also the developer or an affiliate of a developer, a statement that the purchaser's contract with the exchange company is a contract separate and distinct from the contract of sale;
- (5) a statement indicating whether the purchaser's participation in the exchange program is dependent upon the continued affiliation of the time-share plan with the exchange program and the readmission fees, dues and other charges which shall be required to be paid by the purchaser if he initially becomes a member of the exchange program, allows the membership to lapse and then seeks reinstatement or readmission;
- (6) a statement indicating whether the purchaser's membership or participation in the exchange program is voluntary or mandatory;
- (7) a complete and accurate description of the terms and conditions of the purchaser's contractual relationship with the exchange company and the procedure by which changes thereto may be made;
- (8) a complete and accurate description of the procedure to qualify for and effectuate exchanges;
- (9) a complete and accurate description in boldface type of all restrictions, limitations or priorities employed in the operation of the exchange program and the manner of application thereof, including, without limitation, any restrictions, limitations or priorities based on seasonality, unit size, or levels of occupancy;
- (10) a statement indicating whether exchanges are arranged on a space-available basis and whether any guarantees of specific requests for exchanges are made by the exchange program, and if so, the nature thereof;

(11) a complete and accurate description of the circumstances, if any, in which a time-share owner may lose the use and occupancy of his time-share in any properly applied for exchange without being provided with substitute accommodations by the exchange company;

(12) the fees for participation by time-share owners in the exchange program, a statement whether any such fees may be altered by the exchange company, and the circumstances under which alterations may be made;

(13) the name and location of each time-share property, accommodation or facility participating in the exchange program;

(14) the number of units in each property which qualify for participation in the exchange program and which are available for occupancy expressed within the following numerical groupings: 1-5; 6-10; 11-20; 21-50; and 51 and over;

(15) with respect to each time-share plan or other property the number of owners who are eligible to participate in the exchange program expressed within the following numerical groupings: 1-100; 101-249; 250-499; 500-999; and 1,000 and over; and the criteria used to determine current eligibility to participate in the exchange program;

(16) the disposition made by the exchange company of time-shares deposited by eligible owners with the exchange program and not used by the exchange company in effecting exchanges;

(17) a statement indicating the following information, which, except as provided in subsection (b), shall be independently audited by a certified public accountant or accounting firm and reported for each year no later than July first, of the succeeding year:

(i) the number of the time-share owners enrolled in the exchange program, the number of said owners who are fee paying and the number of said owners who are enrolled gratuitously;

(ii) the number of time-share properties, accommodations or facilities eligible to participate in the exchange program categorized by those having a contractual relationship between the developer or the association and the exchange company and those having a contractual relationship between the exchange company and time-share owners directly;

(iii) the percentage of confirmed exchanges, which shall be the number of exchanges confirmed by the exchange company divided by the number of exchanges properly applied for, together with a complete and accurate statement of the criteria used to determine whether an exchange request was properly applied for. An exchange shall be confirmed when an eligible time-share owner applies for and receives the right to occupy an exchanged time-share for a time period during the year reported;

(iv) the number of exchanges confirmed by the exchange company during the year;

(v) the number of time-shares for which the exchange company has an outstanding obligation to provide an exchange to a time-share owner who relinquished a time-share during the year in exchange for a time-share in any future year;

(18) a statement in boldface type that the percentage described in subclause (iii) of clause (17) of subsection (a) does not indicate a purchaser's or owner's probabilities of being confirmed to any specific choice, as availability at individual locations may vary.

(b) The information required by subsection (a) shall be accurate as of a date which is not more than thirty days prior to the date on which the information is delivered to the purchaser, except that the information required by clauses (2), (3), (13), (14), (15) and (17) of subsection (a) shall be accurate as of December thirty-first of the preceding year if the information is delivered between July first and December thirty-first of any year; information delivered between January first and June thirtieth of any year shall be accurate as of December thirty-first of the year prior to the preceding year. All references in this section to the word "year" shall mean calendar year.

(c) In the event an exchange company offers an exchange program directly to the purchaser or time-share owner, the exchange company shall deliver to each purchaser or time-share owner, prior to such offering or the execution of any contract between the purchaser or time-share owner and said company the information set forth in subsection (a). This section shall not apply to the renewal of any contract between the purchaser or time-share owner and the exchange company offering the exchange program.

(d) Each exchange company offering an exchange program to purchasers in the commonwealth shall include the statement set forth in paragraph (18) of subsection (a) on all promotional brochures, pamphlets, advertisements or other materials which contain the percentage of confirmed exchanges described in subclause (iii) of clause (17) of subsection (a) and which are disseminated by the exchange company.

(e) No developer shall have any liability arising out of the use, delivery or publication by the developer of written or printed information or audio-visual materials provided to it by the exchange company pursuant to this section. Except as otherwise provided in this subsection, no exchange company shall have any liability with respect to (i) any representation made by the developer relating to the exchange program or exchange company, or (ii) the use, delivery or publication by the developer of any information relating to the exchange program or exchange company. An exchange company shall be liable for written or printed information or audio-visual materials provided to the developer or to a purchaser or time-share owner by the exchange company. The failure of the exchange company to comply with the provisions of this section, or the use by it of any unfair or deceptive act or practice in connection with the operation of the exchange program, shall constitute a violation of this chapter.

Section 54. (a) A multi-location developer shall, except as provided in subsection (b), deliver to the purchaser, prior to the execution of the contract of sale the following written information which the purchaser shall certify in writing to the receipt thereof:

(1) a complete and accurate description of the procedure to qualify for and effectuate use rights in time-share units in the multi-location plan;

(2) a complete and accurate description in boldface type of all restrictions, limitations or priorities employed in the operation of the multi-location plan and the manner of application thereof, including, without limitation, any restrictions, limitations or priorities on reservations, use or entitlement rights based on seasonality, unit size, levels of occupancy or class of owner;

(3) a statement indicating whether use is arranged on a space-available basis and whether any guarantees of specific requests for use are made by the multi-location developer and if so, the nature thereof and the number, type and description of units available at each property;

(4) the name and address of each time-share property included in the multi-location plan;

(5) the number of time-share units in each time-share property which are available for occupancy, the interest which the multi-location developer has in each of said time-share units, and if less than fee ownership the relevant terms of said interest and whether each of said time-share units may be withdrawn from the multi-location plan;

(6) the following information which, except as provided in subsection (b), shall be independently audited by a certified public accountant or accounting firm and reported for each year on or before July first, of the succeeding year:

(i) the number of owners in the multi-location plan;

(ii) for each time-share property in the multi-location plan, the number of properly made requests for use of time-share units in said time-share property;

(iii) for each time-share property, the percentage of owners who properly requested use of a time-share unit in said time-share property who received the right to use a time-share unit in said time-share property;

(7) a statement in boldface type that the percentage described in clause (6) of subsection (a) does not indicate a purchaser's or owner's probabilities of being able to use any time-share unit since availability at individual locations may vary.

(b) The information required by subsection (a) shall be accurate as of a date which is no more than thirty days prior to the date on which the information is delivered to the purchaser, except that the information required by paragraphs (4), (5) and (6) of subsection (a) shall be accurate as of December thirty-first of the preceding year if the information is delivered between July first and December thirty-first of any year; information delivered between January first and June thirtieth of any year shall be accurate as of December thirty-first of the year prior to the preceding year. All references in this section to the word "year" shall mean calendar year.

(c) The failure of a multi-location developer to comply with the provisions of this section, or the use by it of any unfair or deceptive act or practice in connection with the operation of the exchange program, shall constitute a violation of this chapter.

Section 55. (a) It shall be unlawful for any person to sell or offer to

sell a time-share in the commonwealth unless the developer of the time-share property in which the time-share is located has designated a person as a project broker and said person is then serving as the project broker for the time-share property. The time-share property shall be considered a separate real estate office for purposes of the real estate licensing laws.

(b) It is unlawful for any person to engage in the business, act in the capacity of or advertise or assume to act as a project broker within the commonwealth unless such person is a licensed real estate broker under the laws of the commonwealth.

**SECTION 2.** Section 5 of chapter 254 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- A lien upon land for the erection, alteration, repair or removal of a building or other structure or a lien established under section seventy-six of chapter sixty-three, under section six of chapter one hundred and eighty-three A, or under section twenty-nine of chapter one hundred and eighty-three B shall be enforced by a civil action brought in the superior court for the county where such land lies.

**SECTION 3.** The provisions of this act shall apply to all time-shares created in units in the commonwealth on or after the effective date of this act. The provisions of sections three, five, six, seven, eight, ten, fourteen, clauses (1) to (9), inclusive, of subsection (a) of section twenty, clauses (14) to (16), inclusive, of subsection (a) of section twenty, subsection (b) of section twenty, sections twenty-three, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, forty-two, forty-three, forty-four, forty-five, forty-eight, forty-nine, fifty and fifty-one of chapter one hundred and eighty-three B of the General Laws, inserted by section one of this act, and section two of said chapter to the extent necessary to construe any of said sections, shall apply to all time-shares created in units in the commonwealth before the effective date of this act, but only with respect to events and circumstances occurring on or after the effective date. The provisions of said section shall not affect the validity of, or rights or obligations created before the effective date of this act by a time-share instrument, document transferring an estate or interest in real property, or contract.

The time-share instrument of any time-share property created before the effective date of this act may be amended to accomplish any result permitted by this act if the amendment is adopted in conformity with applicable law and with the procedures and requirements specified by the instrument. If the amendment grants to any person any rights, powers, or privileges permitted by this act, all correlative obligations, liabilities, and restrictions in this act shall also apply to said person.

The provisions of this act shall not apply to time-shares in units located outside the commonwealth with the exception of sections thirty-seven to forty-one, inclusive, which shall apply to all dispositions



---

**ACTS, 1987. - Chaps. 761, 762.**

of such time-share units offered to the general public or signed in the commonwealth by any party, unless exempt under subsection (b) of section thirty-six.

Approved January 14, 1988.

---

**Chapter 761. AN ACT PROVIDING FOR ARREST FOR AN ASSAULT AND BATTERY WHICH INVOLVES FAMILY ABUSE.**

Be it enacted, etc., as follows:

The first paragraph of section 6 of chapter 209A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 18, the word "nine A." and inserting in place thereof the following:- nine A; (7) arresting any person whom the officer has probable cause to believe has committed an assault and battery in violation of section thirteen A of chapter two hundred and sixty-five which involves abuse.

Approved January 14, 1988.

EMERGENCY LETTER: January 26, 1988 @ 11:40 A.M.

---

**Chapter 762. AN ACT RELATIVE TO THE MAINTENANCE OF PUBLIC BUILDINGS.**

Be it enacted, etc., as follows:

Chapter 149 of the General Laws is hereby amended by inserting after section 27G the following section:-

Section 27H. No agreement or contract providing for the cleaning and maintenance of public buildings or space rented by the commonwealth, shall be entered into or given by the commonwealth unless said contract or agreement contains a stipulation requiring prescribed rates of wages, as determined by the commissioners, to be paid to the employees of the maintenance or cleaning contractor. Any such contract which does not contain said stipulation shall be invalid, and no payment shall be made thereunder. Said rates of wages shall be requested of the commissioner, and shall be furnished by the commissioner in a schedule containing the classifications of jobs and rate of wages to be paid for each job. Said rates of wages shall include payments to health and welfare plans, or, if no such plan is in effect between employers and employees, the amount of such payments shall be paid directly to said employees. Whoever pays less than said rates of wages, including payments to health and welfare funds, or the equivalent in wages, on said works, and whoever accepts for his own use, or for the use of any other person as a rebate, gratuity or in any other guise, any part or portion of said wages or health and welfare funds, shall be punished by a fine of not less than one hundred nor more than five hundred dollars.

Approved January 14, 1988.

**Chapter 763. AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO GRANT TWO PERMANENT EASEMENTS IN THE TOWN OF FRAMINGHAM.**

Be it enacted, etc., as follows:

**SECTION 1.** The deputy commissioner of the division of capital planning and operations is hereby authorized and directed, 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, two permanent easements over certain land located in the town of Framingham to Ledgemere Land Corporation, subject to the requirements of sections two, three, four and five and to such additional terms and conditions as the deputy commissioner may prescribe, in consultation with the metropolitan district commission and the Massachusetts Water Resources Authority, said land being shown individually as: "50' wide drive & utility easement'." on a plan entitled "Easement Plan of Land in Framingham, Mass. property of: Metropolitan District Comm., the Commonwealth of Mass Scale 40 feet to an inch, Date: March 11, 1987, Petitioner: Ledgemere Land Corp.", and "Parcel 'A' - 5,022 SF, road & utility easement" on a plan entitled "Easement Plan of Land in Framingham, Mass., Property of: Metropolitan District Comm., the Commonwealth of Mass., scale: 40 feet to an inch, Date: March 3, 1987. Petitioner: Ledgemere Land Corp." Both said plans are on file with the metropolitan district commission and the Massachusetts Water Resources Authority.

**SECTION 2.** No deed conveying by or on behalf of the commonwealth, the easements described in section one, shall be valid unless Ledgemere Land Corporation grants to the commonwealth through its division of capital planning and operations, subject to and with the prior written approval of the planning board of the town of Framingham as to location, a copy of which written approval shall be submitted to the joint committee on state administration to be kept on file, (an easement to pass and repass for all uses commonly associated with walkways in the commonwealth for the purpose of providing pedestrian access from the end of DiTullio Drive to land owned by the commonwealth, all as shown on Plan hereinafter described, and to construct and maintain said walkway across those portions of land described as "Ten foot wide Pedestrian Easement," running along the westerly side of Baiting Brook for a width of TEN (10) feet on Lot 31 and along the real lot line of Lot 30 for a width of TEN (10) feet all as shown on the plan entitled "Definitive Subdivision Plan of Land of Belpoint Farms in Framingham, Massachusetts Scale" 1" = 40' Dated: February 26, 1985, the Fafard Companies, 290 Eliot Street, Ashland, Massachusetts, Petitioner and Owner Ledgemere Land Corporation, 290 Eliot Street, Ashland, Massachusetts," and recorded July ninth, nineteen hundred and eighty-six at the Middlesex south registry of deeds as Plan 903 of 1986.)

---

**ACTS, 1987. - Chap. 764.**

**SECTION 3.** No deed conveying by or on behalf of the commonwealth, the easement described in section one, shall be valid unless such deed provides that said easement shall be used for access and utilities purposes.

**SECTION 4.** In the event that any of the easements described in section one is not used for the purposes described in section three, or if the aforementioned purposes cease at any time, said easements shall revert to the commonwealth under such terms and conditions as the deputy commissioner may prescribe in said deed, and the easement described in section two shall revert to Ledgemere Land Corporation or to its successors in interest under such terms and conditions as the deputy commissioner may prescribe in that deed.

**SECTION 5.** Ledgemere Land Corporation shall assume the costs of appraisals, surveys, and other expenses as deemed necessary by the deputy commissioner for the conveyance of the easements described in sections one and two.

Approved January 14, 1988.

---

**Chapter 764. AN ACT RELATIVE TO ELECTRICIANS AND FIRE WARNING AND SECURITY SYSTEMS CONTRACTORS AND TECHNICIANS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 32 of chapter 13 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 4, the word "five" and inserting in place thereof the word:- eight.

**SECTION 2.** Said section 32 of said chapter 13, as so appearing, is hereby further amended by striking out the second, third and fourth sentences and inserting in place thereof the following two sentences:- One of said appointees shall be a representative of the public, subject to the provisions of section nine B and one shall be a local wiring inspector who is an electrician licensed under chapter one hundred and forty-one. Six of said appointees shall be citizens of the commonwealth: one of whom shall be a master electrician who holds a certificate A license issued under said chapter one hundred and forty-one and has at least ten years experience as an employing master electrician; one shall be a master electrician who holds certificate A and certificate B licenses issued under said chapter one hundred and forty-one, is actively engaged in such business and has at least ten years experience as an employing master electrician; one shall be a journeyman electrician who holds a certificate B license issued under said chapter one hundred and forty-one, is a wage earner and has at least ten years practical experience in the installation of wires and appliances for carrying

electricity for light, heat or power purposes; one shall be a systems contractor who holds a certificate C license issued under said chapter, is actively engaged in the business of fire warning and security systems as his principal business and has at least ten years experience as an employing systems contractor; one shall be a systems technician who holds a certificate D license issued under said chapter, is a wage earner and has at least ten years practical experience in the installation, repair and maintenance of systems; and one shall be a representative of the New England Section of the International Municipal Signal Association who holds at least a level I competency certificate from said association, is a municipal employee and has at least ten years practical experience in the installation, repair and maintenance of fire warning or signalling systems.

**SECTION 3.** Section 57 of chapter 31 of the General Laws, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

No person shall be certified by the administrator for appointment to the position of inspector of wires in a city or town unless he has been issued a certificate A or certificate B license pursuant to section three of chapter one hundred and forty-one.

**SECTION 4.** Chapter 141 of the General Laws is hereby amended by striking out section 1, as so appearing, and inserting in place thereof the following two sections:-

Section 1. The following words as used in this chapter, unless the context otherwise requires, shall have the following meanings:

"Fee", a fee to be determined annually by the commissioner of administration under the provision of section three B of chapter seven.

"Fire warning system", an inherently power limited system of wires, conduits, apparatus, devices, fixtures or other appliances installed and interconnected electrically or electronically for the detection of heat, smoke, or products of combustion, or for the transmission of signals or audible alarms.

"Inherently power limited system", a system requiring no overcurrent protection due to design and construction.

"Journeyman electrician", a person qualified to do the work of installing, repairing, or maintaining wires, conduits, apparatus, devices, fixtures, or other appliances used for heat, light, power, fire warning or security system purposes.

"Master electrician", a person, firm or corporation having a regular place of business who, by the employment of journeymen or apprentices, performs the work of installing, repairing or maintaining wires, conduits, apparatus, devices, fixtures or other appliances used for light, heat, power, fire warning or security system purposes; provided, however, that no journeyman electrician so employed shall have more than one apprentice under his supervision; and provided, further, that not more than one such apprentice shall be employed for each journeyman electrician.

"Security system", an inherently power limited system of wires, conduits, apparatus, devices, fixtures, or other appliances installed and interconnected electrically or electronically to permit access control, proprietary signalling, surveillance and the detection of burglary, intrusion, holdup, or other conditions requiring response or the transmission of signals or audible alarms.

"System", a fire warning, security or other inherently power limited system, wire, conduit or device which conducts or consumes electricity and is electrically or electronically activated.

"Systems contractor", a person, firm or corporation having a regular place of business who, by the employment of systems technicians or apprentices, performs the work of installing, repairing or maintaining wires, conduits, apparatus, devices, fixtures or other appliances used for systems; provided, however, that no systems technician so employed shall have more than one apprentice under his supervision; and provided, further, that not more than one such apprentice shall be employed for each systems technician.

"Systems technician", a person qualified to do the work of installing, repairing or maintaining wires, conduits, apparatus, devices, fixtures or other appliances used for systems.

Section 1A. No person, firm or corporation shall enter into, engage in, or work at the business or occupation of installing wires, conduits, apparatus, devices, fixtures, or other appliances for carrying or using electricity for light, heat, power, fire warning or security system purposes, unless such person, firm or corporation shall be licensed by the state examiners of electricians in accordance with this chapter and, with respect to security systems, unless such person, firm or corporation shall also be licensed by the commissioner of public safety in accordance with the provisions of sections fifty-seven to sixty-one, inclusive, of chapter one hundred and forty-seven.

This chapter shall not apply to: a person not engaged in the business described in this section who employs or contracts for the services of a person, firm or corporation engaged in such business; or to an apprentice employed by a person, firm or corporation licensed in accordance with this chapter; or to an agent, employee or assistant of a person, firm or corporation licensed in accordance with this chapter who does not engage in or perform the actual work described in this section.

**SECTION 5.** Said chapter 141 is hereby further amended by striking out section 3, as so appearing, and inserting in place thereof the following section:-

Section 3. The following forms of license shall be issued: certificate A, known as master electrician's license; certificate B, known as journeyman electrician's license; certificate C, known as systems contractor's license; and certificate D, known as systems technician's license.

(1) Certificate A shall be issued to any person, firm or corporation engaged in or about to engage in the business of installing wires, conduits, apparatus, devices, fixtures or other appliances and systems;

provided, however, that such person or a member of such firm or an officer of such corporation has passed an examination before the state examiners of electricians and such person or a member of such firm or officer of such corporation has held a certificate B license for at least twelve months.

(2) Certificate B shall be issued to any person who has passed an examination before the state examiners of electricians. It shall specify the name of such person, who shall thereby be authorized to engage in the occupation of journeyman electrician.

(3) Certificate C shall be issued to any person, firm or corporation engaged in or about to engage in the business of installing fire warning, security or other systems; provided, however, that such person or a member of such firm or an officer of such corporation has passed an examination before the state examiners of electricians and such person or a member of such firm or officer of such corporation has held a certificate D license for at least twelve months.

(4) Certificate D shall be issued to any person who has passed an examination before the state examiners of electricians. It shall specify the name of such person who shall thereby be authorized to engage in the occupation of systems technician.

(5) Both certificate A and certificate C shall specify the name of the person, firm or corporation licensed and the name of the person passing the examination by which such person, firm or corporation shall be authorized to enter upon or engage in business as set forth therein. The holding of certificate A or certificate C shall not entitle the holder individually to engage in or perform the actual work of installing wires, conduits, apparatus, devices, fixtures or other appliances or systems but the holding of certificate A shall entitle the holder to conduct business as a master electrician and the holding of certificate C shall entitle the holder to conduct business as a systems contractor.

(6) Persons desiring an examination shall make written application therefor, accompanied by an examination fee. A person passing an examination for a master electrician's license, a systems contractor's license, a journeyman electrician's license, or a systems technician's license shall pay a fee before being issued such license.

(7) Each certificate A and certificate C shall expire on July thirty-first in each odd numbered year, but may be renewed by the same person, firm or corporation acting by one or more of its members or officers, without further examination, upon payment of a fee, application therefor being made during said month. In case of failure to renew a license as aforesaid on or before July thirty-first in an odd numbered year, the person named therein, upon payment of said fee, increased by such additional fees as would have been payable had such license been continuously renewed may receive a deferred renewal thereof which shall expire on July thirty-first in the ensuing odd numbered year; provided however, that such renewed license shall not constitute its holder a licensee for any period preceding its issue.

(8) Each certificate B and certificate D shall expire on July thirty-first in each odd numbered year, but may be renewed upon

payment of a fee upon the same conditions set forth in clause (7).

(9) Holders of certificate A and certificate C shall keep their certificates of registration displayed in a conspicuous place in their principal offices or places of business. The examiners shall furnish holders of certificate B and certificate D with evidence of having been so licensed by the examiners, in card form or otherwise, which shall be carried on the person of the licensee and exhibited on request.

(10) Any certificate expiring while the holder thereof is in the military or naval service of the United States shall be renewed without further examination, upon payment of the prescribed fee, at any time within four months after such person's discharge from the service.

(11) Examination papers and applications for certificate A, certificate B, certificate C and certificate D, shall be preserved for at least two years, after which time they may, at the discretion of the examiners, be destroyed.

(12) Records of the meetings of the examiners shall be open for inspection at all times, and they shall have printed annually a manual of their regulations, including the names of all licensees.

**SECTION 6.** Section 5 of said chapter 141, as so appearing, is hereby amended by adding the following paragraph:-

The examiners and the inspectors of wires in each city and town, as defined in section thirty-two of chapter one hundred and sixty-six, shall be charged with the enforcement of this chapter. They shall have all necessary powers to require compliance therewith, including the power to institute and prosecute proceedings in the superior court department of the trial court.

**SECTION 7.** Section 6 of said chapter 141, as so appearing, is hereby amended by striking out the words "Certificate A", in line 1, and inserting in place thereof the following words:- certificate A or certificate C.

**SECTION 8.** Said chapter 141 is hereby further amended by striking out section 7, as so appearing, and inserting in place thereof the following section:-

Section 7. This chapter shall not apply to: the installation, repairing, and wiring of elevators; the work in connection with the erection, construction, maintenance or repair of lines for transmission of electricity from the source of supply to the service switch on the premises where used by municipal electric plants, by electric companies as defined in section one of chapter one hundred and sixty-four, by gas companies authorized to make or sell electricity, by electric street railway companies, by electric railroad companies or by railroad companies; the work of such plants or companies on premises owned or controlled by them; the work of said municipal electric plants or of said electric or gas companies in installing, maintaining and repairing on the premises of customers, service connections and meters and other apparatus and appliances remaining the property of such plants or

companies after installation; public employees engaged in the work of installing, maintaining or repairing public signalling systems; the work in connection with the lighting of public ways, alleys, private ways, or public parks, areas or squares; the work of companies subject to regulation by the department of public utilities, and incorporated for the transmission of intelligence by electricity in installing, maintaining or repairing wires, apparatus, fixtures, or other appliances used by such companies and necessary for, or incident to, their business, whether or not such wires, conduits, apparatus, fixtures or other appliances are on its own premises; or the work in connection with the installation, construction, maintenance, repair and renovation of telephone equipment or computer systems by a person, firm or corporation primarily engaged in the telecommunications or the information systems industry.

**SECTION 9.** Section 8 of said chapter 141, as so appearing, is hereby amended by striking out, in line 2, the words "of 'Certificate A', may" and inserting in place thereof the following words:- of certificate A, may.

**SECTION 10.** Said chapter 141 is hereby further amended by striking out section 9, as so appearing, and inserting in place thereof the following section:-

Section 9. Any person applying for a journeyman electrician's license or a systems technician's license and making any misstatement as to his experience or other qualifications, or any person, firm or corporation subscribing to, or vouching for, any such misstatement shall be subject to the penalties set forth in section five.

**SECTION 11.** Chapter 147 of the General Laws is hereby amended by adding the following five sections:-

Section 57. The words "security system", as used in sections fifty-seven to sixty-one, inclusive, shall mean wires, conduits, apparatus, devices, fixtures, or other appliances installed and interconnected electrically or electronically to permit access control, proprietary signalling, surveillance and the detection of burglary, intrusion, holdup, or other conditions requiring response or the transmission of signals or audible alarms.

No person, firm or corporation shall engage in, advertise, or hold himself or itself out as being engaged in the business of installing, repairing, or offering maintenance for security systems, notwithstanding the name or title used in describing such business, unless licensed for such purpose as provided in sections fifty-eight and fifty-nine of this chapter and section three of chapter one hundred and forty-one. Whoever violates any provision of this section shall be punished by a fine of not less than two hundred nor more than one thousand dollars or by imprisonment for not more than one year, or both.

Nothing in this section shall apply either to the work of companies subject to regulation by the department of public utilities and incorporated for the transmission of intelligence by electricity in



installing, maintaining or repairing wires, apparatus, fixtures, or other appliances used by such companies and necessary for, or incident to, their business, whether or not such wires, conduits, apparatus, fixtures or other appliances are on its own premises; or the work in connection with the installation, construction, maintenance, repair and renovation of telephone equipment or computer systems by a person, firm or corporation primarily engaged in the telecommunications or information systems industry.

Section 58. An application for a license to engage in the security systems business shall be filed with the commissioner on forms furnished by him, and statements of fact therein shall be under oath of the applicant. Such application shall include a certification by each of three reputable citizens of the commonwealth residing in the community in which the applicant resides or has a place of business, or the community in which the applicant proposes to conduct his business, that he has personally known the applicant for at least three years, that he has read the application and believes each of the statements contained therein to be true, that he is not related to the applicant by blood or marriage, and that the applicant is honest and of good moral character.

An applicant for a license to engage in the security systems business shall provide proof to the commissioner that he has successfully qualified for electrical licensure under the provisions of section three of chapter one hundred and forty-one.

Section 59. The commissioner may issue to an applicant complying with the provisions of section fifty-eight a license to engage in the security systems business; provided, however, that no such license shall be issued to any person who has been convicted in any state of the United States of a felony, unless a hearing is held and the commissioner, at his or her discretion, determines a license is appropriate. Any person who has been convicted of a violation of section ninety-nine or ninety-nine A of chapter two hundred and seventy-two shall not be issued a license, unless a hearing is held and the commissioner, at his or her discretion, determines a license is appropriate. If any license has been previously issued to such person, it shall be revoked.

Such license shall be valid for two years, shall state the name under which the licensed business is to be conducted, and the address of its principal office, and shall be posted by the licensee in a conspicuous place in such office. The name of the business, so licensed, shall not contain any words which denote or imply any association with agencies of the United States, the commonwealth or any of its political subdivisions. Failure to comply with the provisions of this paragraph shall constitute cause for revocation of such license.

The commissioner may biennially renew and may at anytime for cause, after notice and hearing, revoke any such license. An application for renewal shall be on a form furnished by the commissioner.

Section 60. A person, firm or corporation licensed under the provisions of sections fifty-eight and fifty-nine may employ in his security systems business as many persons as he may deem necessary, but no person shall be employed by any licensee until he shall have

executed and furnished to such licensee a statement under oath setting forth his full name, date of birth and residence, his parents names and places of birth, the business or occupation in which he has been engaged for the three years immediately preceding the date the statement is furnished and that he has or has not been convicted of a felony or of any offense involving moral turpitude. Such statements shall be kept on file by the licensee and furnished to the commissioner who shall have a security check performed on said employment applicant. Upon completion of the security check, the commissioner, at his or her own discretion, shall furnish to the qualified applicant a certificate of clearance which shall be valid for two years.

If a licensee falsely states or represents that a person was or is in his employ, such false statement or representation shall be cause for revocation or suspension of his license and shall be subject to the penalties set forth in section fifty-seven. Whoever falsely states or represents that he is employed or has been employed by a licensee shall be punished by a fine of not less than fifty nor more than five hundred dollars.

Section 61. The fee for the filing of an original security systems license and for the filing of a renewal of such license shall be determined annually by the commissioner of administration under the provision of section three B of chapter seven. Said fees shall not exceed two hundred and fifty dollars for an original license and one hundred and twenty-five dollars for a renewal thereof.

The fee for a certificate of clearance shall be determined in a like manner, but shall not exceed fifty dollars for an original or renewal of said certificate.

**SECTION 12.** Any person, firm or corporation providing evidence satisfactory to the state examiners of electricians, on or before January first, nineteen hundred and eighty-nine, that such person, firm or corporation has at least thirty-six months experience working as or for a systems contractor shall be exempt from the examination requirements of section three of chapter one hundred and forty-one.

**SECTION 13.** Any person providing evidence satisfactory to the state examiners of electricians on or before January first, nineteen hundred and eighty-nine, that such person has at least twelve months experience working as a systems technician shall be exempt from the examination requirements of section three of chapter one hundred and forty-one.

Approved January 14, 1988.

---

**Chapter 765. AN ACT ESTABLISHING COMMUNITY MEDIATION SERVICES IN THE DISTRICT COURT DEPARTMENT.**

Be it enacted, etc., as follows:

---

**ACTS, 1987. – Chap. 766.**

Chapter 218 of the General Laws is hereby amended by inserting after section 43D the following section:–

Section 43E. There shall be established a district court community mediation advisory board. The board shall be advisory to the administrative justice on matters pertaining to the utilization and role of community mediation in the district court department, including but not limited to the education and training of community mediators and the establishment of standards for persons and organizations engaged in community mediation in the district court department, and shall perform such other duties as the administrative justice may request. Said board shall also advise the administrative justice on the utilization of funds that may be appropriated for the purpose of supporting the use of community mediation in the district court department.

Said board shall consist of five members to be appointed by the administrative justice for such terms as he may establish. Members shall be eligible for re-appointment. They shall be knowledgeable and experienced in the utilization of community mediation in the courts and shall serve without compensation.

Said administrative justice shall appoint a coordinator of community mediation, who shall serve at his pleasure and at a salary to be fixed by the chief administrative justice of the trial court. Said coordinator shall perform such duties with regard to community mediation as the administrative justice of the district court department shall determine.

Approved January 14, 1988.

---

**Chapter 766. AN ACT FURTHER REGULATING CAMPAIGN FINANCE.**

Be it enacted, etc., as follows:

Section 7 of chapter 55 of the General Laws, as amended by section 3 of chapter 519 of the acts of 1987, is hereby further amended by inserting after the fourth sentence the following two sentences:– Any individual may, in addition, make campaign contributions without limitation to nonelected political committees organized for the purpose of favoring or opposing the adoption or rejection of a question submitted to the voters. Any individual may, in addition, make campaign contributions to any other nonelected political committee not organized on behalf of any one candidate or not organized on behalf of a political party or not organized for the purpose of favoring or opposing the adoption or rejection of a question submitted to the voters; provided, however, that the aggregate of such campaign contributions to any one such political committee shall not exceed in any one calendar year the sum of one thousand dollars.

Approved January 14, 1988.

EMERGENCY LETTER: February 23, 1988 @ 12:08 P.M.

**Chapter 767. AN ACT FURTHER REGULATING THE TRANSPORTATION OF STUDENTS.**

Be it enacted, etc., as follows:

**SECTION 1.** The first paragraph of section 7A of chapter 71 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences:- The state treasurer shall annually, on or before November twentieth, pay to the several towns subject to appropriation, the sums required as reimbursement for expenses approved by the commissioner of education, incurred by any town for the transportation of pupils not more than twice daily between any school within the town, or in another town, and the pupil's home, a day care facility licensed or registered by the office for children, or a day care facility which is part of a public school system or a private, organized educational system, in accordance with standards approved by the school committee, in excess of five dollars per annum per pupil in the net average membership of such town; provided, however, that (a) no reimbursement for transporting a pupil between school and home shall be made on account of any pupil who resides less than one and one-half miles from the school which he attends, measured by a commonly traveled route; (b) no reimbursement for transporting a pupil between school and a day care facility licensed or registered by the office for children or a day care facility which is part of a public school system or a private, organized educational system, shall be made if the distance between the school and said facility is less than one and one-half miles, measured by a commonly traveled route, nor for transportation to a day care facility located outside the boundaries of the school district; (c) the amount of grant, per pupil, for transportation to private schools in towns which furnish such transportation, shall not exceed the amount of grant per pupil for transportation to public schools and (d) no contract shall be awarded except upon the basis of prevailing wage rates, as hereinafter provided, and of sealed bids, and the school committee shall, in the event that a contract is awarded to other than the lowest bidder, file with the department a written statement giving its reasons therefor, which statement shall be open to public inspection. Nothing in this paragraph shall be construed to mean that, with the consent of a pupil's parent or guardian, a school committee is in any way prohibited from providing transportation for a pupil to any location.

**SECTION 2.** Section 16C of said chapter 71, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences:- The regional school district shall be subject to all laws pertaining to school transportation; and when the agreement provides for the furnishing of transportation by the regional school district, the commonwealth shall reimburse such district to the full extent of the amounts expended for such transportation; provided, however, that no reimbursement for transportation between school and

home shall be made on account of any pupil who resides less than one and one-half miles from the school of attendance, measured by a commonly traveled route. The commonwealth shall further reimburse such district to the full extent of the amounts expended for the transportation of pupils between school and a day care facility licensed or registered by the office for children or a day care facility which is part of a public school system or a private, organized educational system, in accordance with standards approved by the school committee; provided, however, that no reimbursement shall be made if the distance between the school and said facility is less than one and one-half miles, measured by a commonly traveled route, nor shall reimbursement be provided for transportation to a day care facility located outside the boundaries of the regional school district.

**SECTION 3.** The provisions of this act relative to day care transportation shall apply in a city, town or regional school district after acceptance by a majority vote of the city council with the approval of the mayor, in the case of a city with a Plan A, Plan B or Plan F charter; by a majority vote of the city council, in the case of a city with a Plan C, Plan D or Plan E charter; by a majority vote of the annual town meeting or a special meeting called for the purpose, in the case of a municipality with a town meeting form of government; or by a majority vote of the town council, in the case of a municipality with a town council form of government; or by a majority vote of the school committee and by majority vote of two-thirds of the appropriating authorities of the member cities and towns, in the case of a regional school district.

**SECTION 4.** Reimbursement provided to cities, towns, and regional school districts for transportation costs provided pursuant to section seven A and section sixteen C of chapter seventy-one of the General Laws shall not be reduced as a result of cost savings realized by a city, town, or regional school district in implementing a program to transport students to day care services pursuant to said section seven A and said section sixteen C.

Approved January 14, 1988.

EMERGENCY LETTER: January 26, 1988 @ 4:17 P.M.

---

**Chapter 768. AN ACT FURTHER REGULATING THE COASTAL FACILITIES IMPROVEMENT PROGRAM.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 2 of chapter 21F of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the definition of "Harbor facility" the following definition:-

"Harbor plan", a document which analyses existing harbor and waterfront land uses and delineates future uses. Future land uses may be

---

**ACTS, 1987. – Chap. 769.**

described through zoning ordinances, capital improvement plans, and building design guidelines and other methods. Planning for the management of the competing uses of harbor waters may include mooring plans, facilities maintenance plans, shellfish management plans or dredging needs assessments.

**SECTION 2.** Section 4 of said chapter 21F, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:–

Any coastal city or town, acting by and through its mayor in the case of a city, the town manager in a town having a town council form of government and the board of selectmen in any other town, may apply to the secretary of environmental affairs for assistance to undertake a harbor or waterfront improvement or a harbor plan. An application for assistance pursuant to this chapter shall represent no more than fifty per cent of the estimated total cost of the improvement and in no case shall exceed two million dollars for improvements in designated port areas and one million five hundred thousand dollars in all other areas. The commonwealth shall reimburse no more than three million dollars to communities with designated port areas and at least one project within these areas or two million dollars total to a city or town applying for funding for more than one harbor or waterfront project. The secretary of environmental affairs is hereby authorized to utilize seventy per cent of the funding provided for in this chapter, for public facilities used primarily for commercial purposes.

Said secretary of environmental affairs is hereby authorized to utilize ten per cent of the funding in this chapter for grants to prepare harbor plans. An application for assistance in the preparation of a harbor plan shall represent no more than fifty per cent of the total cost of said plan. The secretary of environmental affairs is hereby authorized to approve applications for improvements and plans for up to thirty-three per cent of the funding provided for this chapter in any one year.

Approved January 14, 1988.

---

**Chapter 769. AN ACT RELATIVE TO ALTERNATIVE MEANS OF FINANCING BY CERTAIN NONPROFIT INSTITUTIONS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 29 of chapter 23A of the General Laws is hereby amended by inserting after the paragraph inserted by section 1 of chapter 342 of the acts of 1987 the following paragraph:–

Provision for additional and alternative means of financing for nonprofit institutions which provide a program of cultural or educational services will enable such institutions to provide necessary services and resources to the people of the commonwealth.

---

**ACTS, 1987. – Chap. 770.**

**SECTION 2.** Subsection (a) of section 30 of said chapter 23A, as appearing in section 2 of said chapter 342, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The words "Industrial enterprise" as used in sections twenty-nine to thirty-eight, inclusive, shall, unless the context requires otherwise, have the same meaning as set forth in section one of chapter forty D; provided, however, that the next to the last sentence of paragraph (1) of said section one shall not apply to the agency; and provided, further, that as used in said sections twenty-nine to thirty-eight, inclusive, the words "industrial enterprise" shall also include an institution. For the purposes of this chapter and of chapter forty D, as applied to the agency, an institution shall not be deemed to constitute a commercial enterprise. The board shall not be required with respect to an institution to make the findings set forth in clauses (e) and (k) of subsection (2) of section twelve of chapter forty D if the board finds that the issuance of the bonds will result in a public benefit.

**SECTION 3.** Subsection (b) of said section 30 of said chapter 23A, as so appearing, is hereby amended by inserting after the definition of "Industrial Mortgage Insurance Fund" the following definition:-

"Institution", a nonprofit corporation organized to operate a facility or facilities that provide cultural or educational services.

**SECTION 4.** The first paragraph of paragraph (a) of section 35 of said chapter 23A, as appearing in section 5 of said chapter 342, is hereby amended by adding the following sentence:- Refunding or refinancing of outstanding costs, obligations, mortgages or advances made by an institution in connection with a facility or facilities that provide cultural or educational services prior to the authorization of bonds by the board of the agency may be financed for any such institution.

**SECTION 5.** Paragraph (b) of said section 35 of said chapter 23A, as so appearing, is hereby amended by striking out, in lines 11 and 12, the words "for the use of a non-profit entity or".

Approved January 14, 1988.

EMERGENCY LETTER: February 22, 1988 @ 12:52 P.M.

---

**Chapter 770. AN ACT RELATIVE TO THE MASSACHUSETTS WATER RESOURCES AUTHORITY.**

Be it enacted, etc., as follows:

**SECTION 1.** Clause (ii) of paragraph (b) of section 1 of chapter 372 of the acts of 1984 is hereby amended by inserting after the word "water", in line 2, the word:- and.

**SECTION 2.** Paragraph (d) of section 2 of said chapter 372 is hereby

---

**ACTS, 1987. - Chap. 770.**

amended by striking out, in line 2, the word "or" and inserting in place thereof the word:- of.

**SECTION 3.** Paragraph (j) of said section 2 of said chapter 372 is hereby amended by inserting after the word "real", in line 4, the word:- and.

**SECTION 4.** Paragraph (v) of said section 2 of said chapter 372 is hereby amended by striking out, in line 5, the word "plans" and inserting in place thereof the word:- plants.

**SECTION 5.** Paragraph (f) of section 4 of said chapter 372 is hereby amended by inserting after the word "duties", in line 18, the words:- thereunder shall be.

**SECTION 6.** Paragraph (f) of section 5 of said chapter 372 is hereby amended by striking out, in line 4, the word "paragraph (e)" and inserting in place thereof the word:- paragraph (d).

**SECTION 7.** Paragraph (h) of said section 5 of said chapter 372 is hereby amended by striking out, in lines 4 and 5, the words "of account of operations of the system conducting" and inserting in place thereof the words:- on account of operations of the system conducted.

**SECTION 8.** Said paragraph (h) of said section 5 of said chapter 372 is hereby further amended by striking out, in line 9, the word "paragraph (f)" and inserting in place thereof the word:- paragraph (e).

**SECTION 9.** Clause (o) of section 6 of said chapter 372 is hereby amended by striking out, in line 4, the word "or" and inserting in place thereof the word:- of.

**SECTION 10.** Clauses (4) of paragraph (d) of section 8 of said chapter 372 is hereby amended by striking out, in line 4, the word "program" and inserting in place thereof the word:- programs.

**SECTION 11.** Paragraph (e) of said section 8 of said chapter 372 is hereby amended by inserting after the word "areas", in line 29, the words:- will be met.

**SECTION 12.** Said paragraph (e) of said section 8 of said chapter 372 is hereby further amended by striking out, in line 36, the words "town meeting of" and inserting in place thereof the words:- the town meeting if.

**SECTION 13.** Paragraph (i) of said section 8 of said chapter 372 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The Authority and division shall be subject to the provisions of, and to



regulation by the department of environmental quality engineering and any division thereof as may be duly exercised over an independent public authority of the commonwealth, including without limitation, sections fourteen, twenty-seven, thirty A to thirty-four C, inclusive, thirty-seven, forty and forty-two to forty-six A, inclusive, of chapter twenty-one of the General Laws, chapter twenty-one C of the General Laws, chapter twenty-one E of the General Laws, chapter ninety-one of the General Laws and sections two B, two C, five E, five G, seventeen, thirty-one D, one hundred and forty-two A to one hundred and forty-two E, inclusive, one hundred and fifty A, one hundred and fifty B, one hundred and sixty, one hundred and sixty A, one hundred and sixty B, one hundred and sixty-two and one hundred and sixty-five of chapter one hundred and eleven of the General Laws.

**SECTION 14.** Paragraph (n) of said section 8 of said chapter 372 is hereby amended by striking out, in line 16, the words ", such action".

**SECTION 15.** Said section 8 of said chapter 372 is hereby further amended by adding the following paragraph:-

(p) Authorized agents and employees of the Authority may enter upon any lands, waters and premises in communities listed in both paragraphs (c) and (d) for the purpose of making surveys, soundings, test pits, drillings, borings and examinations as the Authority may deem necessary or convenient for the purposes of this act, and such entry shall not be deemed a trespass, nor shall an entry for such purposes be deemed an entry under any condemnation proceedings which may be then pending. The Authority shall give at least fifteen days notice of its intent to enter such lands, waters or premises to the record owner(s) of the property and to the municipality wherein the property lies, and shall state in that notice the amount it proposes to pay as just compensation for such entry. Following such entry, the Authority shall pay the amount of compensation previously proposed and shall reimburse the owner for any actual damage resulting to such lands, waters and premises as a result of such activities. If the owner of said lands believes that the amount paid is insufficient to provide just compensation, the owner may petition to the superior court to have the amount increased. The provisions of this section shall in no way expand the powers of the Authority to take any of the properties investigated by eminent domain.

**SECTION 16.** Paragraph (a) of section 9 of said chapter 372 is hereby amended by inserting after the first sentence the following sentence:- Prior approval of the legislature and governor, to the extent otherwise required by the preceding sentence, shall not be required for takings within the communities listed in the first sentence of paragraph (d) of section eight, for purposes of maintenance or improvement of the waterworks system within such communities.

**SECTION 17.** Paragraph (b) of section 10 of said chapter 372 is hereby amended by inserting after the word "provided", in line 8, the word:- herein.

---

**ACTS, 1987. – Chap. 770.**

**SECTION 18.** Said paragraph (b) of said section 10 of said chapter 372 is hereby further amended by striking out, in line 12, the words ", to the Authority" and inserting in place thereof the words:- to the Authority of.

**SECTION 19.** Paragraph (a) of section 12 of said chapter 372 is hereby amended by striking out, in line 26, the first time it appears, the word "of" and inserting in place thereof the word:- or.

**SECTION 20.** Section 18 of said chapter 372 is hereby amended by inserting after the word "provisions", in line 1, the words:- of this act.

**SECTION 21.** Paragraph (a) of section 23 of said chapter 372 is hereby amended by striking out, in line 41, the first time it appears, the word "of" and inserting in place thereof the word:- or.

**SECTION 22.** Paragraph (d) of section 26 of said chapter 372 is hereby amended by striking out, in line 12, the word "deep" and inserting in place thereof the word:- deem.

**SECTION 23.** Paragraph (e) of said section 26 of said chapter 372 is hereby amended by striking out, in lines 5 and 6, the words "; and may (i) provide for furnishing water supply and sewer services" and inserting in place thereof the words:- , and (ii) for furnishing water supply and sewer services, provide.

**SECTION 24.** Section 1 of chapter 83 of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by striking out, in line 46, the words "public health" and inserting in place thereof the words:- environmental quality engineering.

**SECTION 25.** Notwithstanding the provisions of any general or special law to the contrary with respect to the cost of maintenance and operation of the trunk sewers conveying sewage from the towns of Holden and Rutland built pursuant to the authority granted in chapter two hundred and sixty-two of the acts of nineteen hundred and thirty-two, and chapter seven hundred and ninety-eight of the acts of nineteen hundred and seventy-nine, no such costs shall be included in the amount of the annual determination of fiscal year charges to the Massachusetts Water Resources Authority assessed to the Authority under section one hundred and thirteen of chapter ninety-two of the General Laws.

Approved January 14, 1988.

EMERGENCY LETTER: January 14, 1988 @ 5:03 P.M.

---

ACTS, 1987. - Chaps. 771, 772.

**Chapter 771. AN ACT PROVIDING FOR THE TEMPORARY RELOCATION OF THE NATIONAL GUARD.**

Be it enacted, etc., as follows:

Section 2 of chapter 649 of the acts of 1982 is hereby amended by striking out item 0431-8833, as amended by section 1 of chapter 812 of the acts of 1985, and inserting in place thereof the following item:-

0431-8833 For a study, acquisition of land, the preparation of plans and the construction of replacements for the Boston-Commonwealth Avenue Armory including the cost of furnishings and equipment; provided, that said armory shall be designed in accordance with criteria established by the National Guard Bureau; and provided, further, that no funds shall be expended for the acquisition of land, the preparation of plans, and the construction of said replacement armories, until a study recommending the most suitable locations for said replacement armories and methods of maximizing federal reimbursements for such replacement armories is completed by the division of capital planning and operations, and filed with the house and senate committees on ways and means, and the construction of such replacement armory is authorized pursuant to legislation filed for that purpose; and provided, further, said study shall be completed by June thirtieth, nineteen hundred and eighty-eight; and provided, further, that a portion of these funds may be used to upgrade the existing facilities of the national guard to be used for the temporary relocation of national guard personnel

\$10,000,000

Approved January 14, 1988.

---

**Chapter 772. AN ACT RELATIVE TO THE ACQUISITION AND CONSTRUCTION OF A MASSACHUSETTS STATE TRACK FACILITY AND MAINTENANCE OF CERTAIN LAND IN THE CITY OF BOSTON.**

Be it enacted, etc., as follows:

**SECTION 1.** The deputy commissioner of capital planning and

operations hereinafter referred to as the "deputy commissioner", is hereby authorized, pursuant to the provisions of sections forty F, forty I, and forty J of chapter seven of the General Laws, to acquire in fee simple by deed, for the consideration of one dollar a certain parcel of land with any and all buildings thereon, now owned by the Northeastern University, in the city of Boston, hereinafter referred to as the "Parcel", such land being bounded by Columbus Avenue, St. Cyprian's Place, Southwest Corridor, and the Northeastern Parking Garage, more particularly as described on a plan to be prepared by the division of capital planning and operations, for the primary purpose of developing a running track facility for public high school track meets and for other public uses, and for uses compatible therewith, as further specified in section five. The Parcel contains approximately ninety-five thousand square feet. Such consideration may include a grant of a right of first refusal should the commonwealth elect to discontinue use of the parcel for said purposes; provided, however, that the commonwealth shall not discontinue said use so long as the debt obligations authorized in section eight remain outstanding.

**SECTION 2.** As used in this act, the following words shall have the following meanings:

"Use for public purposes" shall include, but not be limited to, use by Massachusetts public high school track programs, members of the abutting residential community or by members of the community at large and students, faculty, staff, and alumni at Northeastern University.

"Use for public purposes" shall not include the leasing or renting of the Building for commercial entertainment activity.

**SECTION 3.** Notwithstanding the provisions of section forty H of chapter seven of the General Laws, the deputy commissioner shall not be required to advertise prior to acquisition of the Parcel for the consideration specified in section one of this act.

**SECTION 4.** The deputy commissioner is hereby authorized to spend a sum not in excess of thirty-five million dollars for the acquisition, planning, design, and construction of, including the preparation of construction plans, specifications and estimates for, a building for the use of the metropolitan district commission which shall contain a Massachusetts state track facility. To the extent not inconsistent with the foregoing, the building may be planned and designed so as to permit such other uses as may be necessary or convenient to assist the implementation of public plans and programs for the development of the area surrounding the building, including without limitation, retail lease uses.

**SECTION 4A.** The deputy commissioner is hereby authorized to construct an on-site or near-site child care center. Child care space constructed pursuant to this chapter must meet the following criteria:

- (1) have minimum gross floor area of two per cent of the total square

feet of floor area of the building;

(2) be provided to a licensed child care provider without charge for rent, utilities, property taxes, building services or any other charges relating to the physical space; notwithstanding that the provider will be responsible for the other operating costs of the child care center, including, but not limited to, salaries, supplies, and liability insurance not related to the physical structure of the building;

(3) be provided for ten years commencing with the opening of the child care center for use by children, or until deputy commissioner demonstrates that there is no longer a need for the child care center; and

(4) comply with all applicable office for children licensing requirements for child care facilities.

Near-site space shall be provided within the Roxbury section of the city of Boston.

Enrollment priority for the created or purchased space shall be granted to:

- (a) low and moderate income employees of the development project;
- (b) other employees of the development project;
- (c) low and moderate income residents of the community;
- (d) other residents of the community.

**SECTION 4B.** The following words shall have the following meanings when used in this chapter:

"Child care provider", a person or organization that meets applicable office for children licensing standards required to establish and maintain a child care center.

"Low or moderate income", families or persons whose gross monthly income is equal to or less than one hundred and fifteen per cent of the state median income, as determined by the United States census bureau and adjusted annually by a percentage amount equal to the percentage rise in the United States consumer price index.

"Near-site", a location in the same community as the development project.

"On-site", located on the premises of the parcel as defined in section one of this act.

**SECTION 5.** The deputy commissioner is hereby authorized to designate a building manager for the Massachusetts state track facility building, upon completion of the construction of such building. The building manager shall have as his responsibilities the management, operation, maintenance and repair of the building, including without limitation, custodial staffing, operation of a newspaper, candy and sundries concessions stand, maintenance of common areas in the building, and management of the building's preventive maintenance program. Usage of the facility shall be determined according to the schedule approved by the Commissioner of the Metropolitan District Commission. Said usage schedule must be reviewed annually by the Commissioner of the Metropolitan District Commission in consultation

with an advisory committee consisting of seven members, two who shall be appointed by Northeastern University, two residents of the abutting community appointed by the Mayor of Boston, one member appointed by the Governor, one member appointed by the Massachusetts State Track Coaches Association and one member appointed by Massachusetts Interscholastic Athletic Association. Members of the committee shall serve without compensation for two year terms. Each member may be reimbursed for all necessary travel and other expenses incurred by him in the discharge of his official duties. The deputy commissioner is authorized to enter into a building management contract with the building manager for an initial term not to exceed twenty years term with a renewal clause providing up to two ten year terms covering a total period not exceeding forty years; provided, however, that if substandard management conditions exist the contract will be considered null and void by all parties. The deputy commissioner shall seek competitive proposals for the building management contract and such contract shall contain such terms as, in the opinion of the deputy commissioner, are in the best interest of the commonwealth. In addition to any other terms and conditions which the deputy commissioner in his sole discretion shall determine, the building management contract shall contain the following conditions:

(a) The building manager shall comply with the terms and conditions of the commonwealth's preventive maintenance program for state buildings, as such program may be revised from time to time.

(b) The Massachusetts state track facility shall be made available on a non-fee basis for use by Massachusetts public high school track programs and on a user fee basis for members of the public and by Northeastern University; provided, however, that from time to time, the facility shall be made available on a no-cost basis for use by Massachusetts public high school track programs, members of the public, and Northeastern University.

(c) All user fees collected as a result of the use of the Massachusetts state track facility, shall be deposited into the Building Trust Fund, described in section seven. User fees shall be established annually and be subject to the approval of the commissioner of the metropolitan district commission and the commissioner of administration.

(d) The building manager shall be required to establish and maintain a separate fund in an amount necessary to meet all of the costs and responsibilities for the operation and management of the building. Such fund shall be maintained in accordance with generally accepted accounting principles and the state comptroller's accounting manual. Such fund shall be subject to an annual audit by the state auditor for two consecutive years, after which time this fund shall be subject to biennial audit consistent with the mandate of the state auditor's office contained in section twelve of chapter eleven of the General Laws. In addition, the deputy commissioner shall have the right to undertake or cause to be undertaken an annual audit of the fund.

(e) The deputy commissioner shall, at least annually, prepare a written evaluation of the building manager's performance, and shall

annually, on or before September first, submit to the clerk of the house of representatives who shall forward the same to the joint committee on state administration and the house and senate committees on ways and means a comprehensive report on the management and the condition of the facility.

**SECTION 6.** The deputy commissioner is authorized, subject to the provisions of sections forty E to forty J, inclusive, of chapter seven of the General Laws, to negotiate, execute, and deliver on behalf of the commonwealth, one or more leases for a term or terms up to ten years, with tenants for the use of any net rentable ground floor space within the building, for commercial uses compatible with the surrounding community.

The deputy commissioner is authorized to obtain from each such lessee, at the commencement of the lease term, a security deposit in a reasonable amount to be determined by the deputy commissioner, such deposit to be placed in an interest-bearing escrow account, during the term of the lease, and naming the commonwealth as a beneficiary in the event of a default by lessee.

Each tenant shall be required to carry policies of insurance including (a) comprehensive general liability insurance protecting tenant and the Commonwealth against personal injuries and property damage occurring in the leased premises and appurtenant common areas, and (b) such fire and extended risk insurance, as the deputy commissioner deems appropriate covering all nonstructural portions of the leased premises. Additionally, the lease shall require each tenant to furnish the deputy commissioner with insurance covering and protecting the building against damage resulting from tenant's alteration, or renovation work with the leased premises, in such amounts as deemed appropriate by the deputy commissioner.

The lease shall provide that the commonwealth may repossess the leased premises if payment of rent or any other sum is not timely paid, or if tenant otherwise defaults, and that notwithstanding such default, the tenant will continue to owe the minimum rent and any other such sums due under the lease and shall also be obligated for the commonwealth's cost of releasing the premises.

The commonwealth's leasehold interest shall not be subordinated to the rights of any lender to the lessee.

The rents collected pursuant to such leases shall be deposited into the Building Trust Fund described in section eight, and used for all purposes authorized in connection therewith.

**SECTION 7.** There shall be established and set up on the books of the Commonwealth, a separate fund to be known as the Massachusetts State Track Facility Building Fund. Said fund shall consist of all user fees collected as a result of the use of the Massachusetts State Track Facility, the rents collected pursuant to the retail leases, and all other monies credited or transferred thereto from any other fund or source pursuant to law. Said fund shall be established by the deputy

commissioner and shall be under his exclusive control and supervision. The monies in the fund shall be expended subject to appropriation and the laws relating to state finances, for major capital improvements to the building as they become necessary from time to time, for the establishment of reserve accounts for working capital, and for such other reserves as the deputy commissioner shall determine are necessary.

The deputy commissioner shall file with the commissioner of administration, the house and senate committees on ways and means, the house and senate chairmen of the joint committee on state administration, and the state auditor not later than September first of each year an annual report of the fund's income, expenditures, and available balances, based upon the status of the fund on June thirtieth of the preceding fiscal year. The report shall include the deputy commissioner's recommendations, if any, regarding the transfer of surplus monies from said fund into the General Fund. Said fund shall be subject to an annual audit by the state auditor for two consecutive years, after which time this fund shall be subject to biennial audit consistent with the mandate of the state auditor's office contained in section twelve of chapter eleven of the General Laws. A copy of such audit shall be sent to the clerk of the house of representatives who shall forward the same to the house and senate chairmen of the joint committee on housing and urban development and the house and senate committees on ways and means.

**SECTION 8.** To meet the expenditures necessary for carrying out the provisions of this act, the state treasurer shall, upon request of the governor, issue and sell at public or private sale, bonds of the commonwealth, registered or with coupons attached, in an amount to be specified by the governor but not exceeding in the aggregate thirty-five million dollars. All bonds issued by the commonwealth as aforesaid shall be designated on their face Massachusetts State Track Facility Loan, Act of 1987 and shall be on the serial payment plan for such maximum number 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, the maturities thereof to be so arranged that the amounts payable in the several years of the period of amortization, other than the final year, shall be as nearly equal as in the opinion of the state treasurer it is practicable to make them. Said bonds shall bear interest semi-annually at such rate as the state treasurer, with the approval of the governor, shall fix. Such bonds shall be general obligations of the commonwealth.

Approved January 14, 1988.

---

**Chapter 773. AN ACT FURTHER PREVENTING LEAD POISONING.**

Be it enacted, etc., as follows:



**SECTION 1.** Chapter 21A of the General Laws is hereby amended by adding the following section:–

Section 17. The department of environmental quality engineering shall in consultation with the director of the childhood lead poisoning prevention program and the commissioner of the department of labor and industries, promulgate regulations specifying adequate methods of cover and disposal of soil containing dangerous levels of lead. Such regulations shall be promulgated within one hundred and eighty days after the director of the childhood lead poisoning prevention program has promulgated regulations defining dangerous levels of lead in soil.

**SECTION 2.** Chapter 23B of the General Laws is hereby amended by adding the following section:–

Section 28. The secretary shall establish a grant and loan program which shall assist residential property owners and tenants in financing removal or covering of paint, plaster, soil or other materials on residential premises containing dangerous levels of lead and in paying for interim housing during such removal or covering. To qualify for such grant or loan, the presence of lead must be established by an inspector licensed by the childhood lead poisoning prevention program and the removal or covering must be conducted by a deleader licensed by the department of labor and industries, except as provided in section one hundred and ninety-seven B of chapter one hundred and eleven. The secretary shall administer said program and shall distribute funds through community action agencies, redevelopment agencies, local nonprofit community and housing agencies, and other appropriate agencies and organizations. The secretary shall, by July first, nineteen hundred and eighty-eight, promulgate regulations establishing categorical eligibility criteria and such other regulations as are necessary to administer the program. The secretary shall co-ordinate the program with other federal and state lead removal and residential rehabilitation funding programs. The secretary shall seek to sustain program funding through revolving loan funds and recapture of deferred loans upon the sale of property.

**SECTION 3.** Paragraph (c) of section 10 of chapter 28A of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the third sentence the following sentences:– Each child care program licensed or approved by the office shall include a requirement that each provider obtain from a parent or guardian of a child in care under the age of six years, but not less than two years of age, a statement, signed by a physician or a employee of a health care agency, that said child has been screened for lead poisoning. Said statement shall be obtained upon the child's enrollment if said child is two years of age or older or at the time the child reaches two years of age.

**SECTION 4.** Section 6 of chapter 62 of the General Laws, as so appearing, is hereby amended by adding the following subsection:–

(e) Any owner or tenant of a residential premises who pays for the removal or covering of any paint, plaster, soil or other accessible materials containing dangerous levels of lead shall be allowed a nonrefundable credit in the amount of the cost of said removal or covering or one thousand dollars per dwelling unit, whichever is less. Such credit shall be allowed if the presence of lead is established by an inspector licensed by the childhood lead poisoning prevention program and, following such removal or covering, such inspector files a form with the department of revenue, in recordable form, certifying that the unit has been deleaded in compliance with section one hundred and ninety-seven of chapter one hundred and eleven, and removal or covering is conducted by a deleader licensed by the department of labor and industries except as provided in section one hundred and ninety-seven B of chapter one hundred and eleven. The number of dwelling units, as defined in the state sanitary code, shall be determined as of the date of certification. The commissioner shall, in consultation with the director of the childhood lead poisoning prevention program and the commissioner of the department of labor and industries, promulgate regulations to aid in the implementation of this section. Any taxpayer entitled to the foregoing credit for the then current taxable year may carry forward such unused credit or any unused portions thereof and apply it to his tax liability for any one or more of the succeeding five taxable years.

**SECTION 5.** Section 160 of chapter 111 of the General Laws, as amended by section 14 of chapter 174 of the acts of 1987, is hereby further amended by inserting after the first paragraph the following paragraph:-

The department shall, within one hundred and eighty days of the adoption of a national primary drinking water regulation for lead, promulgate state regulations for lead in drinking water that are no less stringent than the federal standard. Such regulations shall also specify sampling procedures to be followed by water suppliers that are adequate to ensure detection of dangerous levels of lead at all appropriate points in the distribution system, including residential tap water. The department shall monitor the results of such sampling. The department shall also, by July first, nineteen hundred and eighty-eight, promulgate regulations specifying corrosion control measures to be taken by communities in which the drinking water supplied to consumers poses a risk of exposure to dangerous levels of lead.

**SECTION 6.** The second paragraph of section 190 of said chapter 111, as appearing in the 1986 Official Edition, is hereby amended by striking out the last two sentences and inserting in place thereof the following two sentences:- The director shall be responsible, subject to the authority of the commissioner, for carrying out and administering all programs created pursuant to this and the following fourteen sections, except as otherwise indicated herein. As used in this section and the following fourteen sections, "director" shall refer to the lead poisoning control director.

**SECTION 7.** Said chapter 111 is hereby further amended by inserting after section 192 the following section:-

Section 192A. The director shall investigate, field test and, approve new methods of removing or covering paint, plaster, or other materials containing dangerous levels of lead that facilitate compliance with section one hundred and ninety-seven with greater efficiency, safety or economy. The director shall consult with the department of labor and industries prior to field testing or approval of new methods of removal or covering to ensure that these methods are consistent with regulations and laws concerning the occupational safety and health of workers engaged in deleading operations. The director shall establish a task force composed of appropriate representatives of the public and private sectors to review, evaluate and recommend such new methods. The director may contract with persons to support research and development of such new methods.

**SECTION 8.** Said chapter 111 is hereby further amended by striking out sections 193 and 194, as appearing in the 1986 Official Edition, and inserting in place thereof the following three sections:-

Section 193. The director shall establish a program for early identification of cases of lead poisoning. Such program shall systematically screen all children under six years of age for the presence of lead poisoning. The director shall, after consultation with recognized professional medical groups and such other sources as he deems appropriate, promulgate regulations establishing (1) the means by which and the intervals at which children under six years of age shall be screened for lead poisoning and (2) guidelines for the medical follow-up of children found to be lead poisoned. The director may also prescribe a screening schedule for pregnant women, children six years of age and older including such children who exhibit pica, and persons whose cognitive development is delayed or retarded if he finds such additional screening to be medically warranted. Such program shall employ, to the extent possible, residents of the areas in which screening and examinations are conducted, which residents shall not be subject to the provisions of chapter thirty-one, unless required as a condition for receipt of federal funds, or section nine A of chapter thirty.

Such identification program shall, to the extent that all children residing in the commonwealth are not systematically screened, give priority in screenings to children residing, or who have recently resided, in areas where significant numbers of lead poisoning cases have recently been reported or where other reliable evidence indicates that significant numbers of lead poisoning cases may be found.

When the director is informed of a case of lead poisoning pursuant to section one hundred and ninety-one, or otherwise, he shall cause to have screened all other children under six years of age, and such other children as he may find advisable to screen, residing or recently residing in the household of the victim, unless the parents of such child object to said screening because it conflicts with their religious beliefs and practices. The results of such screenings shall be reported to the

director, to the person or agency reporting the original case pursuant to section one hundred and ninety-one, and to such other persons or agencies as the director deems advisable.

The director shall maintain comprehensive records of all screenings conducted pursuant to this section. Such records shall be geographically indexed in order to determine the location of areas of relatively high incidence of lead poisoning. Such records shall be public records, subject to the provision of section one hundred and ninety-one relating to the names of screened individuals. A summary of the results of all screenings conducted pursuant to this section shall be released quarterly, or more frequently if the director so determines, to all interested parties.

All cases or probable cases of lead poisoning, as defined by regulation by the director, found in the course of screenings conducted pursuant to this section shall be reported immediately to the affected individual, to his parent or legal guardian if he is a minor, and to the director. The director shall inform such persons or agencies as he deems advisable of the existence of such case or probable case, subject to the provision of section one hundred and ninety-one relating to the names of individuals.

Section 194. The director shall establish a comprehensive program for detection of sources of lead poisoning. Such program shall attempt, to the extent permitted by appropriations, to locate all residential premises in which the paint, plaster, soil or other accessible material contains dangerous levels of lead. The means of detection and the amount of lead in the paint, plaster, soil or other accessible material that produces the danger of lead poisoning shall be determined by regulation by the director in accordance with sound medical practice and current technical knowledge.

The director shall, by July first, nineteen hundred and eighty-eight, in consultation with the department of environmental quality engineering, promulgate regulations specifying the dangerous level of lead in soil and soil inspection and testing procedures. The department of labor and industries shall, within one hundred and eighty days after the director has promulgated regulations, in consultation with the director, specify safety guidelines for workers undertaking removal or covering of leaded soil. Soil inspection requirements shall apply to inspections of residential premises subject to the requirements of section one hundred and ninety-seven and may, at the discretion of the director, apply to inspections requested by an occupant under this section.

Such program of detection shall, to the extent that all appropriate residential premises are not inspected, give priority in inspections to those residential premises located in areas where significant numbers of lead poisoning cases have recently been reported, and in which children under six years of age reside. Such program shall employ, to the extent possible, residents of the areas in which inspections are conducted, which residents shall not be subject to the provisions of chapter thirty-one, unless required as a condition for receipt of federal funds, or section nine A of chapter thirty.

Upon the request of any occupant, the director shall cause to have the occupant's premises inspected within a reasonable time, not to exceed

ten days, unless systematic inspection of the area in which the person requesting the inspection resides is scheduled within thirty days, in which case said inspection may be deferred up to twenty additional days.

When the director is informed of a case of lead poisoning pursuant to sections one hundred and ninety-one or one hundred and ninety-three, or otherwise, he shall cause to have inspected the residential premises in which the victim resides, or has recently resided, if the occupants of said residential premises consent, after reasonable notice, to such inspection. If the occupant refuses admittance, an agent of the director or of any local board of health or code enforcement agency may apply for a search warrant to permit entry. A court may issue a warrant upon a showing that a victim of lead poisoning resides, or has recently resided in said residential premises. The findings of such inspection shall be reported to the director and to the appropriate enforcement authorities set out in section one hundred and ninety-eight.

A dangerous level of lead found in residential premises inspected pursuant to this section, or otherwise, shall be reported immediately to the owner of the building, all affected tenants, all mortgagees and lienholders of record, the appropriate enforcement authorities set out in section one hundred and ninety-eight, and the director. The director shall inform such other persons or agencies as he deems advisable, and shall cause to have prominently posted on all entrances to said residential premises a notice that said residential premises contains dangerous amounts of lead paint or other materials which children should not be allowed to eat or chew. Such notice may not be removed until all premises have been found to comply with section one hundred and ninety-seven.

When a dangerous level of lead is found in residential premises inspected pursuant to this section, or otherwise, the director shall cause to have screened all children under six years of age, and such other children as he may find advisable to screen, residing or who have recently resided in said residential premises. The results of such screenings shall be reported to the director, the affected individual and his parent or legal guardian. The director shall inform such other persons or agencies as he deems advisable, subject to the provision of section one hundred and ninety-one relating to the names of affected individuals.

The director shall provide by regulation for the implementation by local boards of health, code enforcement agencies and housing inspection agencies of the provisions of this section and the periodic reporting to him of the results of all inspections of residential premises conducted hereunder by said boards and agencies.

The director shall maintain comprehensive records of all inspections conducted pursuant to this section. Such records shall be geographically indexed in order to determine the location of areas of relatively high incidence of dangerous lead levels. Such records shall be public records. A summary of the results of all inspections conducted pursuant to this section shall be released quarterly, or more frequently if the director so determines, to all interested parties.

Section 194A. (a) The director shall, on the basis of high rates of lead poisoning, designate emergency lead poisoning areas. Prior to designation, the director shall promulgate regulations setting forth criteria and priorities to be applied in the designation of such areas.

(b) In each designated emergency lead poisoning area, the following shall be inspected for the presence of dangerous levels of lead:

(1) exteriors of all buildings constructed before nineteen hundred and seventy-eight;

(2) all soil on residential premises and in parks, vacant lots, school grounds, and playgrounds;

(3) the interiors of all residences constructed prior to nineteen hundred and seventy-eight where a child under six years of age resides; and

(4) the interiors of all schools constructed prior to nineteen hundred and seventy-eight where children under six years of age or minors under eighteen years of age whose cognitive development is delayed or retarded receive instruction.

(c) In addition to covering or removal required by section one hundred and ninety-seven, paint, plaster, soil or other accessible material containing dangerous levels of lead and located in residential premises in designated emergency lead poisoning areas shall be removed or adequately covered, pursuant to paragraphs (a) to (e), inclusive, of section one hundred and ninety-seven, upon vacancy of the residential premises. The director shall provide by regulation for the implementation of this subsection by local boards of health or code enforcement agencies.

**SECTION 9.** Said chapter 111 is hereby further amended by striking out sections 197 to 199, inclusive, as so appearing, and inserting in place thereof the following six sections:–

Section 197. (a) Whenever a child under six years of age resides in any residential premises in which any paint, plaster, soil or other accessible material contains dangerous levels of lead, the owner shall remove or cover said paint, plaster, soil or other materials as required by this section so as to make it inaccessible to children under six years of age. Whenever any such residential premises containing said dangerous levels of lead undergoes a change of ownership and as a result thereof, a child under six years of age will become a resident therein, the new owner shall remove or cover said paint, plaster, soil or other material as required by this section so as to make it inaccessible to children under six years of age. Said owner shall remove or cover said paint, plaster, soil or other material so as to make it inaccessible whenever the director or board of health or code enforcement agency so orders because (i) a child under six years of age who is at significant risk of lead poisoning or re-poisoning spends on average more than ten hours per week on the premises for a period of at least one month or (ii) a person of any age with a blood lead elevation who has demonstrated pica or whose cognitive development is delayed or retarded resides in or will reside in the residential premises.

(b) No bank, lending institution, mortgage company or mortgagee, except where such mortgagee takes actual physical possession pursuant to applicable law, shall be considered an owner for purposes of this section or sections one hundred and ninety to one hundred and ninety A.

(c) Prior to the beginning of removal or covering of paint, plaster, soil or other accessible material, the owner or deleader shall notify the director, the occupants of the residential premises, the Massachusetts historical commission if the premises is listed on the state register of historic places, the department of labor and industries and the local board of health or code enforcement agency of the date on which such removal or covering will occur and the method of removal or covering that will be used. Such removal or covering shall, pursuant to regulations promulgated by the director to ensure the safety of occupants, be performed as follows:

(1) All peeling paint, plaster or other material, on both interior and exterior surfaces and fixtures, shall be removed or adequately covered.

(2) Paint, plaster or other material that is not peeling shall be removed or covered on door frames below the five foot level and four inches from all edges; stair rail spindles; stair treads from the lip to the riser on the bottom and four inches back from the lip on the top of the tread; doors below the five foot level and four inches from all edges; stair rails; porch railings; and all other exterior and interior surfaces or fixtures that may be readily chewed by children.

(3) Paint, plaster or other accessible material, whether or not it is peeling, shall be removed or covered on the interior and exterior surfaces of windows having sills below the five foot level when such surfaces are either movable or impact on movable surfaces. Surfaces shall include, but are not limited to, interior and exterior window sashes, window sills, and mullions; window wells and parting beads; headers on the lower side of the window that impact on the sash; and interior and exterior inner sides of the window casings that impact on the sash.

(4) Exterior paint shall be removed pursuant to regulations issued by the director, after consultation with the department of environmental quality engineering, and the Massachusetts historical commission specifying acceptable methods and prescribing shrouding or other containment methods; provided, however, that the director may ban sandblasting of exterior lead-based paint where he determines that children under six years of age are at risk of exposure to dangerous levels of lead. The use of potassium or sodium hydroxide in removing exterior lead-based paint is prohibited. Such regulations shall recommend appropriate methods for removal or covering for properties listed on the state register of historic places. Local boards of health or code enforcement agencies shall enforce compliance with these exterior deleading regulations and may ban or otherwise more stringently regulate methods for removal of exterior paint containing dangerous levels of lead.

(5) Paint chips, dust and other debris created by the removal or covering of interior or exterior paint or soil shall be cleaned up by the

person performing the removal or covering in conformance with regulations promulgated by the director.

(6) Soil shall be removed or covered pursuant to an order issued by the director or board of health or code enforcement agency after a determination that soil containing dangerous levels of lead poses a danger to a child under six years of age who is at significant risk of poisoning or repointing.

(7) Following the phase-in period permitted by subsection (b) of section one hundred and ninety-seven B, removal, covering, and daily and final clean-up of paint, plaster, soil or other accessible material required under this section shall be conducted only by a deleader licensed by the department of labor and industries.

(8) Repainting with non-lead-based paint, without removal of the offending paint, plaster or other accessible material, shall not constitute compliance with this section.

(d) When a residential premises meets the requirements of this section, the owner may obtain a letter of compliance from an inspector licensed pursuant to section one hundred and ninety-seven B.

(e) No person shall occupy a dwelling unit while removal or covering is taking place and until such time as the dwelling unit has been cleaned up and found to be in compliance with this section except pursuant to regulations issued by the director. Such regulations shall establish that pregnant women and children are not permitted to occupy the dwelling unit except pursuant to specified conditions established on a case-by-case basis by the state program or the local board of health or code enforcement agency upon a finding that such occupancy will not endanger or materially impair the health or well-being of any occupant.

(f) The provisions of this section shall apply to every owner of residential premises whenever a child or children under six years of age resides therein or whenever such premises undergoes a change of ownership and as a result thereof a child or children under six years of age shall reside therein, whether or not the premises have been inspected pursuant to section one hundred and ninety-four, one hundred and ninety-four A, or otherwise. This section shall apply, whether or not a child under six years of age resides in the residential premises, whenever a court or the Massachusetts commission against discrimination has made a final determination that discrimination has occurred in violation of paragraph 11 of section four of chapter one hundred and fifty-one B with respect to premises containing dangerous levels of lead in paint, plaster, soil, or other accessible material.

(g) This section shall be strictly construed and enforced so as to best protect the safety of occupants of residential premises in which a child or children under six years of age resides.

Section 197A. Prospective purchasers of residential premises constructed prior to nineteen hundred and seventy-eight shall be notified about the hazards of lead in paint, plaster, soil and other material in residential premises and the requirements for their removal or covering as follows:



(a) The director shall, by July first, nineteen hundred and eighty-eight, prepare a standard notification form and such other materials as may be necessary to inform prospective purchasers about: the possible presence of dangerous levels of lead in such premises, the symptoms and treatment of lead poisoning, and the requirements of the lead law and regulations, including the provisions concerning liability for failure to abate lead hazards and prohibitions against unlawful discrimination. Such form and materials shall be revised from time to time as appropriate.

(b) Effective July first, nineteen hundred and eighty-eight, all persons selling residential premises constructed prior to nineteen hundred and seventy-eight shall, prior to the signing of a purchase and sale agreement, provide a copy of the form and other materials prepared pursuant to subsection (a) to the prospective purchaser. In addition to and at the time of providing said notification, such seller shall provide the prospective purchaser with any letter of compliance for the residential premises issued pursuant to subsection (d) of section one hundred and ninety-seven of this chapter and such seller and any real estate agent involved in the sale shall disclose to the prospective purchaser any information known to the seller or real estate agent about the presence of paint, plaster, soil or other materials containing dangerous levels of lead in the residential premises.

(1) The prospective purchaser shall also be informed by the seller and any such real estate agent about the availability of inspections for dangerous levels of lead. If, after receiving said notice, the prospective purchaser chooses to have an inspection done, the seller shall afford the prospective purchaser a period of ten days or such longer time as the seller and purchaser may agree to have such inspection performed, either through a lead inspection contingency in the purchase and sale agreement or otherwise.

(2) If any real estate agent involved in the sale has provided the prospective purchaser with the required information and materials, they shall verbally inform the prospective purchaser of the possible presence of dangerous levels of lead and the provisions of the lead law and regulations. At that time or at any time prior to signing of the purchase and sale agreement, any such real estate agent shall obtain the prospective purchaser's certification that he or she has been notified.

(c) Any person who fails to comply with the provisions of this section shall be liable for all damages caused by his failure to comply and shall in addition be liable for a civil penalty not to exceed one thousand dollars. A violation of this section by a person engaged in the conduct of trade or commerce shall also be considered an unfair or deceptive act or practice within the meaning of section two of chapter ninety-three A.

Section 197B. (a) The director shall, by July first, nineteen hundred and eighty-eight, establish regulations for the licensing of lead paint inspectors. The director shall prescribe the requirements for licensure and may set conditions and restrictions governing the revocation and suspension of licenses.

(1) No persons shall enter into engage in or conduct lead paint

inspections unless such person shall have received a license therefor.

(2) The director may, by regulation, authorize employees of the state program, local boards of health and code enforcement agencies to temporarily conduct inspections without receiving such a license during a period ending July first, nineteen hundred and ninety. The director shall set a date after which only licensed inspectors may conduct inspections adequate to comply with sections one hundred and ninety to one hundred and ninety-nine, inclusive, and to qualify for tax credits under paragraph (c) of section six of chapter sixty-two, or grants or loans under section twenty-eight of chapter twenty-three B, but in no event shall that date be later than July first, nineteen hundred and ninety. The director shall also set out the conditions, if any, under which unlicensed inspectors may conduct such inspections during this transition period.

(b) The department of labor and industries shall, by July first, nineteen hundred and eighty-eight and in consultation with the director, establish regulations for the licensing of deleaders. The department of labor and industries shall prescribe the requirements for licensure and may set conditions and restrictions governing the revocation and suspension of licenses.

(1) Such regulations shall require the training of workers in subjects including, but not limited to, safe work practices, instruction in health risks, precautionary measures, protective equipment, and other safeguards, including practices to prevent contamination of the residential premises, ambient discharges and ground contamination. On site instruction shall be a component of the required training.

(2) No person shall enter into engage in or conduct deleading operations unless such person shall have received a license therefor.

(3) The commissioner of the department of labor and industries, jointly with the director, shall set a date after which only licensed deleaders may conduct removal and covering adequate to comply with section one hundred and ninety-seven and to qualify for tax credits under paragraph (c) of section six of chapter sixty-two or grants or loans under section twenty-eight of chapter twenty-three B, but in no event shall that date be later than July first, nineteen hundred and ninety. The commissioner, jointly with the director, shall also set out the conditions, if any, under which unlicensed deleaders may conduct such removal and covering during this transition period.

(c) The department of labor and industries shall, by July first, nineteen hundred and eighty-eight and in consultation with the director, promulgate regulations to protect the occupational safety and health of licensed lead paint inspectors and deleaders. Such regulations may be more, but not less, stringent than applicable federal standards. The department shall also, by July first, nineteen hundred and eighty-eight and in consultation with the director, promulgate regulations specifying licensing requirements and/or safety procedures to be used by all persons employed in performing renovations or rehabilitation in a manner that disturbs paint, plaster or other materials containing dangerous levels of lead.

(d) All private laboratories which perform lead testing for persons

other than those engaged in deleading operations shall be certified by the department of public health and shall follow testing protocols established by the department of public health. Lead testing of workers engaged in deleading operations shall be performed by the department of labor and industries or by laboratories certified by the department of labor and industries and the results of such testing shall be reported to the department of labor and industries and the director.

(e) The director and the commissioner of the department of labor and industries shall charge fees for licensure and certification in an amount determined annually by the commissioner of administration under the provisions of section three B of chapter seven.

(f) The director, with respect to licensing of lead paint inspectors under subsection (a), and the department of labor and industries, with respect to licensing of deleaders under subsection (b), shall enforce the provisions of this section as appropriate and shall have all necessary powers therefore.

(1) The appropriate agency may revoke, suspend, cancel or deny any certification or any license, at any time, if it believes that the terms or conditions thereof are being violated or that the holder of or applicant for the certification or license has violated any regulation of the department of public health or the department of labor and industries or any other regulation or law of the commonwealth. Any person aggrieved by a determination by the director or the department to issue, deny, revoke or suspend any certification or license may request an adjudicatory hearing under the provisions of chapter thirty A.

(2) Any person who violates the terms or conditions of any certification or license issued under this section or any regulation or law of the commonwealth concerning such licensing or certification shall be punished by a fine of not less than five hundred nor more than fifteen hundred dollars for each offense. The director or the department of labor and industries may file a written complaint with the district court in the jurisdiction in which the violation occurred. Punishment by fine under this section may be in addition to the suspension of any license or certification.

(3) A representative of the director or the department of labor and industries or a board of health or local code enforcement agency may issue an immediate cease-work order to any person who violates the terms or conditions of any license issued under this section or any provision of this section or section one hundred and ninety-seven or any regulation or order issued thereunder if such violation will endanger or materially impair the health or well-being of any occupant of a residential premises, any lead paint inspector, any deleader or any person employed in performing renovations or rehabilitation in a manner that disturbs paint, plaster or other materials containing dangerous levels of lead.

(4) Nothing in this section shall be construed to limit the authority of the department of labor and industries under chapter one hundred and forty-nine.

Section 198. Any violation of sections one hundred and ninety-four A.

one hundred and ninety-six and section one hundred and ninety-seven may be treated by any party as a violation of the state sanitary code and all procedures and remedies applicable to such violations of said sanitary code shall be available to correct, deter or punish violations of said sections. The district and superior courts shall have jurisdiction to enforce the provisions of said sections to the same extent that said courts have jurisdiction to enforce said sanitary code.

All local boards of health or other code enforcement agencies, including in the city of Boston the commissioner of housing inspection shall enforce sections one hundred and ninety-four A, one hundred and ninety-six and section one hundred and ninety-seven in the same manner and with the same authority as they may enforce the sanitary code. The director shall provide by regulation for the implementation by local boards of health, code enforcement agencies and housing inspection agencies of the provisions of this section and the periodic reporting to him of the results of all actions undertaken hereunder by said boards and agencies.

The director shall have concurrent responsibility and authority to enforce sections one hundred and ninety-four A, one hundred and ninety-six and section one hundred and ninety-seven and in so doing shall have available to him all powers and authority which shall be available to local boards of health pursuant to sections one hundred and twenty-seven A to one hundred and twenty-seven K, inclusive.

Violations of sections one hundred and ninety-four A, one hundred and ninety-six and section one hundred and ninety-seven shall be treated as emergency matters, and shall be given preference by enforcing agencies and speedy hearings by district and superior courts.

Section 199. The owner of any residential premises shall be liable for all damages caused by his failure to comply with the provisions of subsection (c) of section one hundred and ninety-four A, subsection (a) of section one hundred and ninety-six, or section one hundred and ninety-seven. The owner of any residential premises who is notified of a dangerous level of lead in paint, plaster, soil or other material present upon his premises pursuant to section one hundred and ninety-four, and who does not satisfactorily correct or remove said dangerous conditions shall in addition to the provisions of the preceding paragraph be subject to punitive damages, which shall be treble the actual damages found. The remedy provided by this section is not exclusive and supplements any existing statutory or common law cause of action. No bank, lending institution, mortgage company or mortgagee, except where such mortgage takes actual possession pursuant to applicable law, shall be liable in any action brought under this section.

Section 199A. (a) It shall be an unlawful practice for purposes of chapter one hundred and fifty-one B for the owner, lessee, sublessee, real estate broker, assignee, mortgagee, or managing agent of any residential premises to refuse to sell, rent, lease, finance, or otherwise deny to or withhold from any person or to discriminate against any person in the terms, conditions or privileges of the sale, rental,

financing, or lease of such residential premises, because such premises do or may contain paint, plaster, soil or other materials containing dangerous levels of lead or because the sale, rental, financing, or lease would trigger duties under the lead law or regulations or because a person chooses to exercise any right under the lead law or regulations. Any person claiming to be aggrieved by an alleged unlawful practice as herein defined may file a complaint pursuant to section five of chapter one hundred and fifty-one B and all provisions of that chapter shall be applicable to such complaints. Nothing contained in this section shall restrict the right of any bank, lending institution or mortgagee to process or deny a mortgage application in accordance with accepted underwriting practices or criteria.

(b) Refusing to rent to families with children in violation of paragraph eleven of section four of chapter one hundred and fifty-one B shall not constitute compliance with the lead law and regulations.

(c) Refusing to renew the lease of or evicting families with children shall not constitute compliance with the lead law and regulations. Such evictions shall also constitute a violation of section two of chapter ninety-three A and section eighteen of chapter one hundred and eighty-six.

**SECTION 10.** Chapter 112 of the General Laws is hereby amended by inserting after section 12AA, inserted by section 1 of chapter 440 of the acts of 1987, the following section:-

Section 12BB. Each physician duly registered under the provisions of section two, two A, nine, nine A, or nine B shall screen patients for lead poisoning at the intervals and using the methods specified in the regulations adopted pursuant to section one hundred and ninety-three of chapter one hundred and eleven. Each licensed, registered or approved health care facility serving children under six years of age, including but not limited to hospitals and clinics licensed under the provisions of section fifty-one of chapter one hundred and eleven and health maintenance organizations approved under the provisions of chapter one hundred and seventy-six G, shall take appropriate steps to ensure that their patients receive such lead poisoning screening.

**SECTION 11.** Paragraph 11 of section 4 of chapter 151B of the General Laws, as appearing in the 1986 Official Edition, is hereby amended by inserting after the first sentence the following sentence:- When the commission or a court finds that discrimination in violation of this paragraph has occurred with respect to a residential premises containing dangerous levels of lead in paint, plaster, soil, or other accessible material, notification of such finding shall be sent to the director of the childhood lead poisoning prevention program.

**SECTION 12.** Section 47C of chapter 175 of the General Laws, as so appearing, is hereby amended by inserting after the fourth sentence the following sentence:- Such coverage shall also include screening for lead

---

**ACTS, 1987. – Chap. 773.**

poisoning as required by the regulations promulgated pursuant to section one hundred and ninety-three of chapter one hundred and eleven.

**SECTION 13.** Section 8B of chapter 176A of the General Laws, as so appearing, is hereby amended by inserting after the fourth sentence the following sentence:– Such coverage shall also include screening for lead poisoning as required by the regulations promulgated pursuant to section one hundred and ninety-three of chapter one hundred and eleven.

**SECTION 14.** Section 4C of chapter 176B of the General Laws, as so appearing, is hereby amended by inserting after the third sentence the following sentence:– Such coverage shall also include screening for lead poisoning as required by the regulations promulgated pursuant to section one hundred and ninety-three of chapter one hundred and eleven.

**SECTION 15.** The second paragraph of section 8A of chapter 239 of the General Laws, as so appearing, is hereby amended by inserting after the word "vacated", in line 32, the words:– ; provided, however, that nothing in this clause shall be construed to deprive the tenant or occupant of relief under this section when the premises are temporarily vacated for purposes of removal or covering of paint, plaster, soil or other accessible materials containing dangerous levels of lead pursuant to section one hundred and ninety-seven of chapter one hundred and eleven.

**SECTION 16.** On or before April first, nineteen hundred and eighty-eight, every state agency or department involved in the implementation of this act shall file updated cost projections relating to the programs discussed in this act with the house and senate committees on ways and means.

**SECTION 17.** The letter of compliance referred to in subsection (d) of section one hundred and ninety-seven of chapter one hundred and eleven of the General Laws, as appearing in section eleven of this act, may be issued for a residential premises that met the requirements of the previous version of said section one hundred and ninety-seven as of the effective date of this act; provided, however, that the owner shall obtain such letter by July first, nineteen hundred and eighty-eight. The owner of a residential premises who has received a letter of compliance indicating that the residential premises met the requirements of the previous version of this section shall not be required to comply with the additional requirements of subsection (c) unless a lead poisoned child resides therein, previously intact paint becomes peeling paint or the residential premises are renovated or rehabilitated in a manner that disturbs paint, plaster, or other materials containing dangerous levels of lead.

Approved January 15, 1988.

---

RESOLVES, 1987 - Chap. 1.

**Chapter 1. RESOLVE REVIVING, CONTINUING AND INCREASING THE MEMBERSHIP OF CERTAIN SPECIAL COMMISSIONS.**

RESOLVED, That the special commissions, established by chapter thirteen of the resolves of nineteen hundred and seventy-seven, section four of chapter seven hundred and four of the acts of nineteen hundred and seventy-nine, chapter twenty-five of the resolves of nineteen hundred and seventy-nine, section seventy-four of chapter three hundred and twenty-nine of the acts of nineteen hundred and eighty, chapter eleven of the resolves of nineteen hundred and eighty-two, section twenty-two of chapter two hundred and forty-one of the acts of nineteen hundred and eighty-two, chapters five and six of the resolves of nineteen hundred and eighty-three, section thirteen of chapter seven, section twenty-three of chapter two hundred and four, sections twenty and twenty-one of chapter two hundred and ninety-seven and section thirty-nine of chapter six hundred and thirty-seven of the acts of nineteen hundred and eighty-three, chapters three, six, twelve and fourteen of the resolves of nineteen hundred and eighty-four, item 0185-7803 of section two of chapter two hundred and thirty-four, section two of chapter one hundred and ninety-two and section thirteen of chapter three hundred and forty-eight of the acts of nineteen hundred and eighty-four, chapters two, five, six, nine and ten of the resolves of nineteen hundred and eighty-five, item 0185-7834 of section two of chapter one hundred and forty, section fifty-eight of said chapter one hundred and forty, and section twenty-seven and section twenty-seven A of chapter one hundred and eighty-eight of the acts of nineteen hundred and eighty-five, as amended by section three of chapter four hundred and fourteen of the acts of nineteen hundred and eighty-six, and section twenty-nine of chapter eight hundred and eleven of the acts of nineteen hundred and eighty-five, item 0185-7822 of section two, section sixty-three, section sixty-four and section sixty-five of chapter two hundred and six of the acts of nineteen hundred and eighty-six, are hereby revived and continued until the last Wednesday of December, nineteen hundred and eighty-eight.

RESOLVED. That the membership of the special commission, established by item 0185-7834 of section two of chapter one hundred and forty of the acts of nineteen hundred and eighty-five, is hereby increased by one member of the house of representatives and one member appointed by the governor who shall be a representative of the executive office of human services.

RESOLVED. That the membership of the special commission, established by section sixty-three of chapter two hundred and six of the acts of nineteen hundred and eighty-six, is hereby increased by one member of the house of representatives.

RESOLVED. That the membership of the special commission, estab-

---

**RESOLVES, 1987 – Chaps. 2, 3.**

lished by section seventy-one of chapter two hundred and six of the acts of nineteen hundred and eighty-six, is hereby increased by adding the commissioner of the department of mental retardation.

Approved May 22, 1987.

---

**Chapter 2. RESOLVE INCREASING THE MEMBERSHIP OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY OF THE PUBLIC HEALTH EFFECTS OF INDOOR AIR POLLUTION.**

RESOLVED, That the membership of the special commission, established by chapter ten of the resolves of nineteen hundred and eighty-six, is hereby increased by two members of the house of representatives and one member of the senate.

Approved July 21, 1987.

---

**Chapter 3. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO TEMPORARY DISABILITY AND DEPENDENT CARE INSURANCE.**

RESOLVED, That a special commission to consist of three members of the senate, five members of the house of representatives, the secretary of labor or his designee, the secretary of economic affairs or his designee, the governor's advisor on women's issues and six persons to be appointed by the governor, one of whom shall be a representative of the National Federation of Independent Businesses, one of whom shall be a representative of the Associated Industries of Massachusetts, one of whom shall be a representative of the American Federation of Labor-Congress of Industrial Organizations, one of whom shall be a representative of the High Technology Council, one of whom shall be a representative of the insurance industry and one of whom shall be a member of the general public with experience in human resource management is hereby established for the purpose of making an investigation and study relative to the establishment of a statewide insurance plan for temporary disability and parenting leave.

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 to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday in December nineteen hundred and eighty-eight.

Approved December 23, 1987.



**Chapter 4. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE IMPLEMENTATION OF LOW AND MODERATE INCOME HOUSING PROVISIONS.**

RESOLVED, That a special commission, to consist of three members of the senate, one of whom shall be a member of the minority party, four members of the house of representatives, one of whom shall be a member of the minority party, the secretary of communities and development or his designee, the director of the Massachusetts Housing Finance Agency or his designee, and six persons to be appointed by the governor, one of whom shall be a representative of the Massachusetts Municipal Association, one of whom shall be a representative from a nonprofit organization, one of whom shall be a representative from a community development corporation, and three of whom shall be persons knowledgeable in the area of housing construction and development concerns in cities and towns of the commonwealth, with a preference given to persons holding public office in a city or town, is hereby established for the purpose of making an investigation and study relative to the implementation of low and moderate income housing provisions. 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 and the clerk of the senate on or before April twenty-seventh, nineteen hundred and eighty-eight.

Approved December 30, 1987.

---

**Chapter 5. RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE OPERATION AND MAINTENANCE OF LOCKUP FACILITIES.**

RESOLVED, That the special commission, established by item 0185-7824 of section two of chapter two hundred and six of the acts of nineteen hundred and eighty-six, is hereby revived and continued to the last Wednesday in December, nineteen hundred and eighty-eight.

Approved January 12, 1988.

---

**Chapter 6. RESOLVE REVIVING AND CONTINUING AND INCREASING THE MEMBERSHIP OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE AVAILABILITY OF WORKERS IN LONG TERM CARE SERVICES FOR THE ELDERLY.**

---

**RESOLVES, 1987 – Chap. 6.**

**RESOLVED**, That the special commission, established by section one hundred and three of chapter one hundred and ninety-nine of the acts of nineteen hundred and eighty-seven, is hereby revived and continued to the last Wednesday of December, nineteen hundred and eighty-eight, and that the membership of the special commission is hereby increased by one member of the senate, three members of the house of representatives, and three persons to be appointed by the governor and one of whom shall be a representative from the Metropolitan Boston Chapter of the National Caucus and Center on Black Aged, to be selected from a list of recommendations submitted by that organization.

Approved January 12, 1988.

OFFICE OF THE SECRETARY OF STATE, BOSTON, AUGUST 10, 1988

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.

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 first session held in 1987  
passed 773 Acts and six Resolves of which 772 Acts and six  
Resolves received executive approval.

Chapter 525, an Act Reorganizing the Executive Office of  
Economic Affairs and the Department of Commerce and Development  
was approved by both the Senate and House of Representatives  
and therefore is a law as provided in Article LXXXVII of the  
Amendments to the Constitution.

Fifty-one 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 17, 31, 33, 91,  
130, 169, 175, 193, 221, 226, 273, 303, 318, 324, 332, 343,  
370, 382, 389, 415, 433, 438, 486, 488, 494, 500, 516, 539,  
554, 559, 563, 577, 579, 587, 608, 612, 614, 630, 634, 642,  
643, 661, 695, 713, 718, 738, 741, 758, 761, 767 and 770.

The General Court was dissolved on Tuesday, January 5,  
1988 at twelve o'clock midnight, the session having occupied  
365 days.

MICHAEL JOSEPH CONNOLLY,  
Secretary of State.

March 31, 1988.

# INDEX

---

## **ABANDONED PROPERTY**

Disposition of unclaimed monies held by cities and towns, relative to, 550

### **Abelli, Christopher**

Land, in the town of Framingham, authorizing the commonwealth to convey a certain parcel, to, 744

## **ABUSE**

Aged persons, providing further protection from abuse for elderly persons, 566

Child Abuse Prevention Board and Child Abuse Prevention Fund, establishing, 729

Family abuse involving assault and battery, providing for arrest for, 761

## **ACCOUNTANTS**

Certified public accountants, relative to limitation of actions against, 418

## **ACUTE CARE HOSPITALS**

(see **HOSPITALS**)

## **ADMINISTRATORS, PUBLIC OR SPECIAL**

Petitions for administration filed by, relative to, 557

## **ADOPTION**

Children, privileged communications involving, relative to, 398

## **ADVERTISING**

Dentists, regulating, 271

## **AGED PERSONS**

Abuse, providing further protection for elderly persons against, 566

Fire prevention education in housing for the elderly, requiring, 632

Homestead protection for, relative to, 194

Housing for elderly persons, further regulating, 270

Public employees, age discrimination involving, further regulating, 415

Residents in long term care facilities, personal care allowance for, relative to, 716

Silver-haired legislature, annual observance of certain days, for the, 139

## **AGRICULTURE**

Further defining, 253

## **AIR POLLUTION, INDOOR**

Study of the public health effects of, increasing the membership of the special commission...(Resolve 2)

## **ALCOHOLIC BEVERAGES**

### **in general**

Persons allowed on premises licensed for the sale of alcoholic beverages during certain hours, relative to, 147

Sale of, to an intoxicated person, prohibiting, 754

Sale of damaged beverages and limitations on license applicants, relative to

### **special provisions relative to particular cities and towns**

Abington, George J. Roberts, III, d/b/a the Depot, authorizing the town to issue a license for the sale of, to, 526

## INDEX

### **ALCOHOLIC BEVERAGES Continued**

#### **special provisions relative to particular cities and towns Continued**

- Adams, Samuel Adams Tavern, Inc., authorizing the town to issue a license for the sale of, to, 582
- Boston, licensing board, salaries of members, increasing, 417
- Chelsea, Chelsea Yacht Club, authorizing the city to issue a license for the sale of, to, 474
- Lee, Rodney and Christine Clark, authorizing the town to issue a license for the sale of, to, 506
- Middleborough, Petzold, Kurt, d/b/a Kurt's Corner, authorizing the town to issue a license for the sale of, to, 425

### **ALIENS**

- Non-resident students in institutions of higher education, tuition rates, further regulating, 368

### **ALLIED MENTAL HEALTH AND HUMAN SERVICES PROFESSIONS**

(see **MENTAL HEALTH AND HUMAN SERVICES PROFESSIONS**)

#### **Alward, Captain T. Dustin (Dusty)**

- Firefighting Academy, designating the Massachusetts Firefighting Academy as the, 513

#### **Alward, Marie**

- Accidental death benefit, directing the Norfolk County Retirement Board to pay, to, 389

### **AMHERST HOUSING AUTHORITY**

- Conservation land, conveyance of a certain parcel by the town of Amherst to, authorizing, 536

### **AMUSEMENT PARKS**

- Liability insurance coverage by, further regulating, 419

### **APPROPRIATIONS**

#### **in general**

- General appropriation bill for 1987, 199

#### **supplemental**

- Activities, new and existing, for fiscal year ending June 30, 1988, 131, 303
- Collective bargaining agreement between the commonwealth and the alliance, AFSCME/SEIU, AFL-CIO for costs of salary adjustments and other employee economic benefits, funding for, 674
- Collective bargaining agreement between the commonwealth and the Massachusetts Nurses Association (unit 7), funding of, 187
- Collective bargaining agreement, between the state lottery commission and the service employees international union, local 254, funding of, 278
- Collective bargaining costs, certain, between the commonwealth and the massachusetts nurses association (unit 7), funding of, 223
- Collective bargaining agreement between the commonwealth and the state police association of Massachusetts (unit 5A), funding of, 224
- Collective bargaining costs, certain, providing for the funding of, 225
- Collective bargaining costs and other employee benefits for non-unit and professional employees of public institutions of higher education, funding for, 568
- Community Development Action Project, providing funds for, 554
- Disaster relief, for damage caused by the storm of January second, 1987, providing for, 409
- Disaster relief, to certain cities and towns, for damage caused by storm of October 4, 1987; providing funds for, 646
- Environmental enhancement and protection, providing funds for, 564:2
- Hazardous waste sites, funding for discovery and clean-up of, providing, 304
- Industrial Accident Department, funding for, 691
- Land bank, Martha's Vineyard, further regulating, 673
- Low-level radioactive waste, management of, providing funds for, 549:9
- National Guard, re-location of, providing funds for, 771
- Purchase of private land in Gay Head in settlement of indian land claims, funding for, 702
- Salary adjustments and other benefits for certain employees of public institutions of higher education, making an appropriation for, 222

### **ARCHITECTURAL BARRIERS**

- Use of parking fees to remove, relative to, 420

## INDEX

### ARCHIVIST

Duties of, further defining, 457

### ARREST

Family abuse involving assault and battery, providing for in cases of, 761

### ASSAULT AND BATTERY

Involving family abuse, providing for arrest for, 761

### ASSESSORS OF TAXES

(see TAX ASSESSORS)

### AUCTIONEER PERMITS

Extending the time period within which a city or town must act upon an application for, 375

### AUTHORITIES AND COMMISSIONS

(see also HOUSING AUTHORITIES, COMMISSIONS, STATE AND COMMISSIONS, SPECIAL

specific provisions

Amherst Housing Authority, land, conveyance by the town of Amherst of a certain parcel, to the, authorizing, 536

Boston Housing Authority, authorizing the sale of certain property to the Pine Street Inn, Inc., by the, 717

Foxborough Housing Authority, conveyance by the commonwealth of a certain parcel of land, to the, authorizing, 403

Gloucester Redevelopment Authority, land in the city of Gloucester, authorizing the exchange of parcels between the commonwealth and the, 745

Historic district commission, in the town of Bedford, relative to the powers and duties of, 154

Lawrence Redevelopment Authority, park land, transfer by the city of Lawrence of certain parcels, to the, authorizing, 672

Massachusetts Water Resources Authority, conveyance of the Clinton Wastewater Treatment Plant to, providing for, 307

Relative to, 770

Medford Housing Authority, conveyance by the commonwealth of a certain parcel of land in the city of Medford, to the, authorizing, 578

Nantucket Historic District Commission, relative to, 735

Nantucket Park and Recreation Commission, establishing, 459

Newburyport Housing Authority, conveyance by the commonwealth of a certain parcel of land in the city of Newburyport, to the, authorizing, 423

Northampton Housing Authority, lease by the commonwealth of certain parcel, to the, authorizing, 315

Norfolk Housing Authority, land, conveyance by the commonwealth of a certain parcel, to the, authorizing, 688

Watertown Redevelopment Authority, abolition of, 405

West Newbury Housing Authority, conveyance by town of West Newbury of easement in a certain parcel of land, to the, authorizing, 591

### BALLOT QUESTION

West Stockbridge, appropriation of money for snow removal from private ways, 529

### BANKS AND BANKING

in general

Branch banking, further regulating, 486

Commissioner of banks, further regulating examinations, audits and annual reports by, 296

Interstate banking, further regulating, 569

Investments by banks, further regulating, 596

Investment of funds in collective investments funds or common trust funds by certain associations or corporations, authorizing, 259

Loan or discount on the security of shares of capital stock of banks, relative to, 314

Mutual holding companies, establishment of, authorizing, 630

## INDEX

### **BANKS AND BANKING Continued**

#### **in general Continued**

Stock corporations, certain, adjustments in the calculation of lending limitations for, relative to, 308

Treasurer's duties, certain procedures and certain proscribed acts by officers, directors and employees, further regulating, 239

#### **co-operative banks**

Annual report by, relative to, 244

Co-operative Central Bank, examinations by commissioner, further regulating, 296:9

Directors of, loans to, relative to, 140

Directors, out-of-state, permitting service of, 141

Investment of funds by municipalities in, authorizing, 257

Paid-up shares, limitations on amounts of, in co-operative banks, eliminating, 485

Surplus accounts, relative to, 258

#### **credit unions**

Central credit union fund, examinations by commissioner, further regulating, 296:10

Credit cards, authorizing the issuance of, by, 242

Investment of funds, by, further regulating, 239

Loans, improvement of certain real estate, increasing the amount authorized, 241

Loans, real estate, authorizing credit unions to grant certain, 243

Massachusetts Credit Union Share Insurance Corporation, relative to assessments of certain members, 269

Personal loans made by, relative to, 422

Use of the words "credit union", further regulating, 297

#### **savings banks**

Mutual Savings Central Fund, Inc., examinations by commissioner, further regulating, 296:8

Mutual Savings Central Fund, Inc., relative to, 178

Surplus accounts, relative to, 258

### **BARNSTABLE COUNTY HOSPITAL**

Borrowing for improvements to, authorizing, 359

#### **Bastarache, Donald**

Retirement allowance of, authorizing the city of Lynn to adjust, 719

### **BELMONT FIREMEN'S RELIEF ASSOCIATION, INC.**

Retirement benefits to members of, authorizing payment of, 254

### **BICYCLES, MOTORIZED**

Civil motor vehicle infractions by, relative to, 399:2

### **BIDDING**

Municipal light companies, exempted from, in purchase of oil and fuel supplies, 137

### **BLACKSTONE RIVER AND CANAL HERITAGE STATE PARK**

Visitor center for, authorizing the commonwealth to lease property from Depot Street Associates for use as, 752

### **BLIND PERSONS**

Talking book library, study of the feasibility of the expansion or relocation of, for the benefit of, 167:9

### **BOARD OF REGENTS OF HIGHER EDUCATION**

Allowing certain public employees to serve on, 472:1

Chancellor of, further regulating the compensation of, 279

### **BOARDS OF REGISTRATION**

(see **REGISTRATION, BOARDS OF**)

### **BOARDS OF TRUSTEES OF INSTITUTIONS OF HIGHER EDUCATION**

Allowing certain public employees to serve on, 472:2

(see **EDUCATION**)



## INDEX

### BONDS AND NOTES

(see STATE FINANCE)

### BOTTLED WATER

Purity of, relative to, 594

### BRIDGES

#### special provisions

- Brewster, Doyle, Lawrence B., Bridge, designating a certain bridge in the town of, as the, 511
- Clinton, Harbor District Veterans Memorial Bridge, designating a certain bridge in the town of, as the, 505
- Mansfield, Patriquin, Royal B. Jr., Memorial Bridge, designating a certain in the town of, as the, 547
- Prescott, John D., Bridge, designating a certain bridge in the town of, as the, 546
- Plymouth, Douglass, Sergeant Major Frederick B., Memorial Bridge, designating a certain bridge in the town of, 205
- Webster, Ruggeri, PFC Ezio, Memorial Bridge, designating a certain bridge in the town of, as the, 512
- Woburn, Golden, Bernard J., Bridge, designating a certain bridge in the city of, as the, 720

### Brundage, Charles and Mary and Mark

Designating said persons as residents of the town of Uxbridge for a certain period of time, 561

### BUNKER HILL COMMUNITY COLLEGE

Designating a certain building at said college as the Harold E. Shively Administration Building, 607

### BUSINESS AND COMMERCE

Economic development projects, alternative financing methods, 769

### CAMPAIGN FINANCE

Further regulating, 766  
Political committees, further regulating, limiting, 519

### CANOE RIVER AQUIFER ADVISORY COMMITTEE

Establishing, 461

### CAPITAL CRIMES

Assignment of legal counsel in, further regulating, 380

### CAPITAL OUTLAY

Energy audit programs, energy conservation and other energy related purposes, providing a capital outlay program for, 670  
Environmental enhancement and protection program, 564  
Libraries, public, funding assistance for, 478:8  
Massachusetts Geriatric Center, plans for construction of, funding for, 678  
Mental health capital outlay program, 167  
Pollution Liability Reinsurance Corporation, funding for, 650  
Public, providing for the issuance of bonds and notes for the improvement of, 478  
School building assistance program, 746:5, 6  
Solid waste management and abatement of pollution resulting therefrom, providing for a capital outlay program for, 584:20-29  
State running track facility, construction of, 772:8  
Vocational education, improvement of, 731:12, 13

### Carmody, Elaine

Greenfield, authorizing the town to pay certain benefits to, 482

### CARNEGIE SCHOOL GRANT PROGRAM

Establishing, 727:8

### CERTIFICATES OF TITLE

Land, encumbrances upon, further regulating, 455

## INDEX

### **CERTIFIED PUBLIC ACCOUNTANTS**

(see **ACCOUNTANTS**)

### **CHARITABLE CORPORATIONS**

(see **CORPORATIONS**)

### **CHARITABLE HOME FOR THE AGED**

(see **HEALTH CARE FACILITIES**)

### **CHARTER, MUNICIPAL**

Southbridge, amending town charter, 704

### **CHECKS, FRAUDULENT**

Civil penalties for drawing, uttering or delivering, providing for, 510

### **CHELSEA YACHT CLUB**

Chelsea, alcoholic beverages, authorizing the city to issue a license for the sale of, to, 474

### **CHILD ABUSE**

(see **CHILDREN**)

### **CHILD SUPPORT**

(see **CHILDREN**)

### **CHILDREN**

Child Abuse Prevention Board and Child Abuse Prevention Fund, establishing, 729

Child abuse, reporting requirements, requiring school committees to notify certain school personnel, 439

Child support, collection of, enforcing, 490

Child support orders, relative to enforcement of foreign judgments involving, 714

Crimes involving child victims, statute of limitations for prosecution of, relative to, 489

Day care programs for school age children, further regulating, 690

Lead poisoning, further preventing, 773

Office for children, further defining child for certain purposes, 708

Imposition of civil fines and other sanctions, by the, providing for, 610

Title of the director of, relative to, 553

### **CITIES AND TOWNS**

#### **in general**

Abandoned property, disposition of unclaimed monies held by cities and towns, relative to, 550

Assessors and assistant assessors, additional compensation for certain, relative to, 469

Bonds and notes, refunding, relative to the issuance of, by cities and towns, 585

Coastal cities and towns, financial assistance for waterfront improvements, relative to, 768

Elections, town and district, and annual meetings, authorizing the changing of the dates of, 598

Firefighters (see **FIRE DEPARTMENTS AND FIREFIGHTERS**)

Liens, for municipal charges, authorizing cities and towns to place on certain real property, 626

Motor vehicles, exclusion by cities and towns from public ways, relative to, 741

Municipal Administration Act, optional forms of, providing for, 756

Municipal drinking water treatment plants, relative to, 753

Municipal growth and development policy committee, authorizing cities and towns to establish, 400

Parking fees, regulating the use of to remove architectural barriers, 420

Police officers (see **POLICE DEPARTMENTS AND POLICE OFFICERS**)

Polling places, cities, relative to aldermen designating, 437

Proceeds from sale of municipal real estate, use of, relative to, 456

Real estate tax assessments, relative to, 712

Scholarship fund, authorizing cities and towns to include on tax bills a check off place for donation to, 712.3

Tax payments, estimated, authorizing cities and towns to collect, 463

Veterans' benefits, reimbursement by the commonwealth to cities and towns for, further regulating, 628

Violations of ordinances, by-laws, rules or regulations, in cities and towns, increasing the fine for non-criminal disposition of, 609

## INDEX

### CITIES AND TOWNS Continued

#### **in general Continued**

Waste disposal, imposing requirements on municipalities, and authorizing recycling programs, 584  
Zoning ordinances or by-laws, further regulating, 685

#### **special provisions relative to particular cities**

Boston, appointment of fire lieutenants in the city of, relative to, 586  
Designating a certain bench on Castle Island as Edward F. (Buddy) Fitzgerald, Jr. Bench, 432  
Finnegan, Senator Joseph, Park, designating certain park land in the city of, as the, 462  
Mobile homes, control of rents and evictions in, relative to, 504  
School department, reorganization of, 613  
Brockton, assessment of certain real estate in the city of, relative to, 699  
Cambridge, appointment of assessors in the city of, relative to, 701  
Chelsea, alcoholic beverages, Chelsea Yacht Club, authorizing the city to issue a license for the sale of, to, 474  
Fall River, appointment of certain full time police officers, relative to, 452  
Park land, conveyance by the city of a certain parcel of, authorizing, 638  
Fitchburg, borrowing to satisfy a court judgment, authorizing the city, 433  
Lawrence, payment of a sum of money, by the retirement board of the city of the city of, to John M. Hale, directing, 657  
Park land, transfer by the city of certain parcels, to the Lawrence Redevelopment Authority, authorizing, 672  
Lynn, retirement allowance for Donald Bastarache, authorizing the city to adjust, 719  
Marlborough, financial disclosure by public officials and public employees in the city of, repealing the law requiring, 732  
Newton, land, use of a certain parcel by the city for municipal library, authorizing, 659; *comm. school, 12*  
North Reading, reimbursement of certain real estate taxes, authorizing the town, 700  
Peabody, betterment abatement, authorizing the city to grant, to the Community Covenant Church, 487  
Revere, pension to Richard J. James, directing the city to grant, 601  
Positions in the office of the city clerk, certain, exempting from, 602  
Springfield, land, conveyance by the city of a certain parcel to Steven Haddad & Co., Inc., authorizing, 623  
Woburn, designating a certain bridge in the city of, as the Bernard J. Golden Bridge, 720  
Worcester, civil service laws positions in the department of public work, exempting from, 98

#### **special provisions relative to particular towns**

Abington, alcoholic beverages, George J. Roberts, III, d/b/a The Depot, authorizing the town to issue a license for the sale of, to, 526  
Acton, protection of tenants and purchasers of condominiums and cooperatives in the town of, relative to, 548  
Adams, alcoholic beverages, Samuel Adams Tavern, Inc., authorizing the town to issue a license for the sale of, to, 582  
Amherst, land, conveyance by the town of a certain parcel of conservation land to the Amherst Housing Authority, 536  
Land, conveyance by town of Carriage House Building and land, to Hitchcock Center, Inc., authorizing, 492  
Andover, housing for low and moderate income persons, authorizing the town to provide, and validating certain actions taken by the town, 434  
Lease or conveyance by the town of the Old Town Hall, authorizing, and validating certain actions taken by town, 662  
Auburn, unpaid bill, certain, authorizing the town to pay, 524  
Ayer, land, conveyance by the town of control of a certain parcel, from the selectmen to the historical commission of said town, authorizing, 447  
Berkley, validating certain action taken by the town of, relating to school bonds, 726  
Blackstone, dog officer and board of library trustees, relative to, 562  
Land, conveyance by the commonwealth of certain parcels to the town of, authorizing, 597  
Belmont, land in the city of Waltham, conveyance by the commonwealth of certain parcels to the town of, authorizing, 640  
Braintree, validating certain hearings and proceedings held by the town of, in 1986 and 1987  
Brewster, designating a certain bridge as the Lawrence B. Doyle Bridge, 511  
Brookline, appointment of special police officers, relative to, 479  
Chatham, validating action taken at a certain special election, 695

## INDEX

### CITIES AND TOWNS Continued

#### special provisions relative to particular towns Continued

- Clinton, Weihn, Philip J., Memorial Pool, designating a certain pool in the town of, as the, 453
  - Harbor district veterans memorial bridge, designating a certain bridge in the town of, as the, 505
  - Land, conveyance by the town of certain parcels to the Massachusetts Water Resources Authority, directing, 625
- Danvers, park land, easement in, authorizing the town to acquire, 442
  - Land, conveyance by the commonwealth of a certain flowage easement in the Harold Parker State Forest, to the town of, authorizing, 689
- Dartmouth, town meeting membership, relative to, 694
- Douglas, water department of the town of, relative to, 693
- East Longmeadow, borrowing to purchase fire ladder truck, authorizing, 503
- Fairhaven, town treasurer, appointment of, authorizing the board of selectmen to make, 532
  - Board of assessors, authorizing the board of selectmen to appoint chairman and determine the salaries of members, 530
  - Collector of taxes, appointment of, authorizing the board of selectmen to make, 531
- Falmouth, release of sanding rights in a certain parcel of land, by the town, authorizing, 432
- Fitchburg, transfer by the commonwealth of the hangar at the Fitchburg Municipal Airport to the city of, authorizing, 563
  - Authorizing the city to supply water to certain property in the town of Lunenburg, 515
- Frammingham, civil service laws, position of chief of police, exempting from, 590
- Greenfield, payment of certain benefits to Elaine Carmody, by the town of, authorizing, 482
- Groveland, Sturtevant, Harold, employment as fire chief of the town of, extending the time of, 514
- Hanson, police career incentive pay program, revoking the acceptance by the town of certain permissive legislation relative to, 724
- Hubbardston, treasurer-collector in the town of, establishing the office of, 444
- Hull, recall elections, providing for, 443
  - Land, lease by the town to the Hull Yacht Club, authorizing, 460
  - Tree Warden, relative to the performance of the duties of, 428
- Lee, civil service laws, position of chief of the fire department, exempting from, 668
- Leicester, McNeil, Honorable Robert D., Memorial Highway, designating a portion of a certain highway as the, 545
- Lenox, Lenox Academy Building, transfer by the town to the academy building trustee committee, authorizing, 495
- Lunenburg, authorizing the city of Fitchburg to supply water to certain property in the town of, 515
- Mansfield, Prescott, John D. Memorial Bridge, designating a certain bridge in the town of, as the, 546
  - Patriquin, Royal B., Jr., Memorial Bridge, designating a certain bridge in the town of, as the, 547
- Marshfield, parking fines, authorizing the town to establish, 636
- Middleborough, alcoholic beverages, Kurt Petzold d/b/a Kurt's Corner, authorizing the town to issue a license for the sale of, to, 425
- Montague, precincts in the town of, relative to the size of, 706
- Nantucket, board of water commissioners, providing for the establishment of, 476
  - Retirement system, classifying a certain employee of the town in a certain group for retirement purposes, 658
  - Park and recreation commission, establishing, 459
- Natick, civil service laws, position of chief of police, exempting from, 539
- North Reading, conveyance of a utility easement across town land, authorizing, 535
- Norwood, civil service laws, certain positions in the town of, exempting from, 707
- Palmer, special fund, establishment of, under the control of the historical commission, authorizing the town, 466
- Rockport, office of collector and treasurer, establishing, as an appointive position, 619
- School aid, distribution of, further regulating, 737
- Southbridge, abatement of taxes on certain property, authorizing the town to grant and authorizing the commonwealth to reimburse town, 551
  - Charter of, relative to, 704
- South Hadley, election of town meeting members, relative to, 661

## INDEX

### **CITIES AND TOWNS Continued**

#### **special provisions relative to particular towns Continued**

- Tewksbury, reserve police force, establishment of, authorizing the town, 671
- Deputy police chief, office of, relative to, 448
- Topsfield, land, conveyance by the commonwealth of a certain parcel to the town of, authorizing, 494
- Uxbridge, designating certain persons as residents of the town of, for a certain period of time, 561
- Wakefield, appropriation for snow removal on private ways, authorizing, 508
- Walpole, conservation land, sale by the town of a certain parcel, authorizing, 637
- Ware, department of public works, authorizing the town to establish, 436
- Wareham, payment to certain employees for services rendered in prior fiscal years, authorizing the town to make, 583
- Wellesley, liability insurance fund, authorizing the town to establish, 751
- Westborough, land, Lyman School, conveyance by the commonwealth of a certain parcel to the town of, authorizing, 660
- Webster, designating a certain bridge as the Pfc Ezio Ruggeri Memorial Bridge, 512
- West Newbury, park land, conveyance by the town of an easement in a certain parcel, to the West Newbury Housing Authority, authorizing, 591
- Validating a certain vote taken by the town of, 599
- Weston, unpaid bill, certain, authorizing the town to pay, 603
- West Springfield, superintendent of streets, establishing the position of, 475
- West Stockbridge, special election in the town of, providing for, 529
- Yarmouth, board of assessors, relative to, 451
- Liability insurance fund, authorizing the town to establish, 750

### **CIVIL PENALTIES**

- Office for children, authorizing the imposition of civil fines and other sanctions by the, 610
- Violations of law with regard to sales of commodities and securities, providing for, 664
- Violations of municipal ordinances, by-laws, rules or regulations, providing for non-criminal disposition of, 609

### **CIVIL SERVICE**

#### **in general**

- Employees, certain, of the department of public works, eligibility to take civil service examination, authorizing, 227
- Seniority rights, certain part-time civil service employees, extending, 517

#### **provisions for particular cities and towns**

- Framingham, position of chief of police, exempting from, 590
- Lee, position of chief of the fire department, exempting from, 668
- Natick, position of chief of police, exempting from, 539
- Norwood, certain positions in the town of, exempting from, 707
- Revere, positions in the office of the city clerk, certain, exempting from, 602
- Worcester, positions in the department of public works, certain, exempting from, 98

#### **Clark, Rodney and Christine Clark**

- Lee, alcoholic beverages, authorizing the town to issue a license for the sale of, to, 506

### **CLINICAL LABORATORIES**

- Prohibiting certain practices by, 733

### **COASTAL FACILITIES IMPROVEMENT PROGRAM**

- Further regulating, 768

### **COLITIS, ULCERATIVE**

(see **ULCERATIVE COLITIS**)

### **COLLECTIVE BARGAINING**

- Public officers and employees, dispute resolution, relative to, 589

### **COMMERCE AND DEVELOPMENT, DEPARTMENT OF:**

- Reorganization of, 525

## INDEX

### COMMISSIONER OF REVENUE

Abatement of estate taxes, authorization to act upon a certain late application for, 698

### COMMISSIONS, SPECIAL

Air pollution, indoor, increasing membership of special commission investigating....(Resolve 2)

Housing, low and moderate income, implementation of, providing for a study of, by special commission....(Resolve 4)

Insurance plan for temporary disability and dependent care, providing for a study of, by special commission....(Resolve 3)

Lockup facilities, operation and maintenance of, reviving and continuing special commission investigating....(Resolve 5)

Solid waste disposal industry, rate structure and fee charges, providing for a study of, by special commission, 584:46

Solid waste management, adequacy of existing procedures, providing for a study of, by special commission, 584:18

Various special commissions, reviving, continuing and increasing membership of....(Resolve 1)

### COMMISSIONS, STATE

Indian affairs, commission on, relative to the membership of, 445

Judicial conduct commission, revising the procedures for the operation of, 656

Labor relations commission, powers of, further regulating, 412

### COMMON TRUST FUNDS

Allowance of accounts, relative to, 502

### COMMONWEALTH

#### in general

Acceptance of a certain print and poem by Sara Ting, authorizing the state secretary, 507

Archivist, duties of, further defining, 457

#### capital outlay

Energy related purposes, 670

Geriatric center, Massachusetts planning for the construction of, funding for, 678

Environmental enhancement and protection, 564:44, 47

Libraries, public, providing for the issuance of bonds and notes for the improvement of, 478

School building assistance program, 746

Solid waste disposal and abatement of resulting pollution, 584:20-29

State running track facility, construction of, 772:8

Vocational education, improvement of 731:12, 13

Pollution liability reinsurance corporation, funding for, 650

Penalty interest, unpaid bills from commercial vendors, requiring the commonwealth to pay, 611

Public buildings or space rented by the commonwealth, relative to contracts for the cleaning and maintenance of, 762

Reimbursement of costs incurred by Ralph E.Gurney, Jr., directing the department of public works to make, 592

Reimbursement of costs incurred by Robert Goyette, directing the department of public works to make, 528

State running track facility, authorizing the commonwealth to construct, and to acquire land to be used for said purpose, 772

#### land

Blackstone, conveyance by the commonwealth of certain parcels of conservation land to the town of, authorizing, 597

Boston, land in the city of, leasing by the commonwealth, to an individual or entity, of a certain parcel, authorizing, 576

land in the city of, conveyance by the commonwealth of certain parcels to the Massachusetts Bay Transportation Authority, authorizing, 631

land in the city of, acquisition by the commonwealth of a parcel for purpose of developing a state running track facility, authorizing, 772

land in the city of, leasing by the commonwealth to an individual or entity, of a certain parcel, authorizing, 576

Cambridge, grant by the commonwealth of an easement over a certain parcel of land in the city of, to the department of public works, authorizing, 705

## INDEX

### **COMMONWEALTH Continued**

#### **land Continued**

- Danvers, conveyance by the commonwealth of a certain easement in land in the Harold Parker State Forest, to the town of, authorizing, 689
- Douglas, land in the town of, conveyance by the commonwealth of a certain parcel, to Ronald M. and David W. McCann, authorizing, 558
- Fitchburg, transfer by the commonwealth of the Hangar at the Fitchburg Municipal Airport to the city of, authorizing, 563
- Framingham, land in the town of, conveyance by the commonwealth of easements over certain property, to Ledgemere Land Corporation, authorization, 763
- land in the town of, conveyance by the commonwealth of a certain parcel, to Christopher Abelli, authorizing, 744
- Gloucester, exchange of parcels of land in the city of, between the commonwealth and the Gloucester Redevelopment Authority, authorizing, 745
- Harold Parker State Forest, conveyance by the commonwealth of an easement in land in, to the town of Danvers, authorizing, 689
- Hull, land in the town of, lease by the commonwealth of certain parcels, authorizing, 721
- Ipswich, land in the town of, conveyance by the commonwealth of certain parcels, to Essex County, authorizing, 541
- Medford, land in the city of, conveyance by the commonwealth of a certain parcel, to the Medford Housing Authority, authorizing, 578
- Melrose, land in the city of, conveyance by the commonwealth of a certain parcel, authorizing, 653
- Newburyport, land in the city of, conveyance by the commonwealth of a certain parcel, to the Newburyport Housing Authority, authorizing, 423
- New Salem, land in the town of, conveyance by the commonwealth of an easement in certain land, to Bernard Snow, authorizing, 555
- Norfolk, conveyance by the commonwealth of a certain parcel, to the Norfolk Housing Authority, authorizing, 688
- Topsfield, conveyance of a certain parcel by the commonwealth, to the town of, authorizing, 494
- Uxbridge, lease to the commonwealth by Depot Street Associates of certain property in the town of, authorizing, for use as visitor center for the Blackstone River and Canal Heritage State Park, 752
- Waltham, land in the city of, conveyance by the commonwealth of certain parcels, to the town of Belmont, authorizing, 640
- Westborough, Lyman School, transfer and conveyance of various parcels of land located on the grounds of, authorizing, 660

### **COMMUNITY COVENANT CHURCH**

- Peabody, authorizing the city to grant a betterment abatement to, 487

### **COMMUNITY DEVELOPMENT ACTION PROJECT**

- Providing increased funds for, 554

### **COMMUNITY MEDIATION ADVISORY BOARD**

- District courts, establishing, 765

### **CONCH**

- Contaminated areas, determination of, 709

### **CONFIDENTIALITY**

- Records, reports of the medical peer review committee, providing for, 579, 467

### **CONFLICT OF INTEREST LAW**

- Rent subsidy programs, regulating the right of certain persons to participate in, 497

### **CONSERVATION LAND**

- Amherst, conveyance by the town of a certain parcel to the Amherst Housing Authority, authorizing, 536
- Blackstone, conveyance by the commonwealth of certain parcels to the town of, authorizing, 597
- Walpole, sale by the town of a certain parcel of, authorizing, 637

## INDEX

### CONSUMER PROTECTION

Credit transactions, prohibiting financing during rescission periods, 573

Establishing additional disclosure requirements, 595

Mortgages, providing for disclosure of information and for timely action on applications involving, 728

Securities and commodities transactions, further regulating, 664

### CONTROLLED SUBSTANCES

Commitment of habitual users, further regulating, 500

### CONVALESCENT HOMES

(see **HEALTH CARE FACILITIES**)

### CONVICTS

Sentencing of, relative to, 556

### COOPERATIVE BANKS

(see **BANKS AND BANKING**)

### CORPORATIONS

#### in general

Charitable corporations, powers of executive committee, relative to, 509

Powers of executive committee, relative to, 509

Limitation on liability of directors of certain business corporations, further regulating provisions relating thereto, 634

Nonprofit corporations for cultural or educational purposes, alternative financing by, relative to, 769

#### provisions for particular corporations

Ledgemere Land Corporation, authorizing conveyance by the commonwealth of easements over certain land in the town of Framingham, to the, 763

Pollution Liability Reinsurance Corporation, establishing the, 650

### CORRECTIONAL INSTITUTIONS

Convicts, sentencing of, relative to, 556

### CORRECTIVE CHANGES

General and special laws, making certain changes in, 465, 527

### COTUIT FIRE DISTRICT

Recall elections, providing for, 441

### COUNTIES

#### in general

Home rule charters, adoption of, by counties, further regulating, 484:1-9

Veterans, certain, who are members of the county retirement system, providing for creditable service for retirement purposes, for, 273

#### special provisions relative to particular counties

Barnstable county, borrowing for improvements to the Barnstable County Hospital, authorizing, 359

Retirement rights of certain employees of, further regulating, 260

Dukes county, Drug Abuse Information Bureau, authorizing the county to establish a, 493

Essex county, land in the town of Ipswich, conveyance by the commonwealth of certain parcels, to, 541

Assessment of county costs in, relative to, 200

Hampden county, borrowing to construct court house, authorizing, 426

Norfolk county, continued employment of John McCahill as court officer, authorizing, 600

Construction and furnishing of buildings at the Norfolk County Agricultural School, relative to, 747

Plymouth county, Plymouth County Hospital, establishing a special account for, 464

### COUNTY EMPLOYEES

(see **Public officers and employees**)



## INDEX

### COURTS

#### in general

- Child support orders, foreign judgments, enforcement of, 714
- Salaries for certain judicial positions, providing a new schedule for, 648

#### district court

- Brockton district court, authorization to hold trials at the Massachusetts Correctional Institution at Bridgewater, 574
- Community mediation advisory board in district courts, establishing, 765
- Eastern Hampshire district court, jurisdiction of, relative to, 615
- East Norfolk district court, assistant clerks in, relative to, 681

#### housing court

- Establishing a northeastern division and a southeastern division of the housing court department, 755

#### land court

- Assurance Fund, relative to, 710
- Jurisdiction of land court, in certain actions, further regulating, 421

#### probate and family court

- Administrators, public or special, petitions for administration filed by, relative to, 557

#### superior court

- Court officers, appointment of, relative to, 649
- Norfolk County, continued employment of John McCahill as court officer, authorizing, 600

#### supreme judicial court

- Clerks and assistant clerks, compensation of, further regulating, 647

### CREDIT TRANSACTIONS

- Assessment by creditors of finance charges in credit transactions, further regulating, 573
- Consumer, establishing disclosure requirements, 595
- Fraudulent use of credit cards, further defining the crime of, 468:2, 3

### CRIMES

- Bakery products, transportation into commonwealth without a license, prohibiting, 757
- Credit cards, fraudulent use of, further defining the crime of, 468:2, 3
- Hazing, increasing the penalties for, 665
- Improper expenditure by employer of withheld wages of employees, establishing penalties for, 635
- Labor and industries, increasing the penalties for violations of law involving, 559
- Larceny, malicious destruction of personal property, receiving stolen goods and fraudulent use of a credit card, further defining, 468
- Malicious destruction of public property, restitution, fines, 416
- Railroad crossings, increasing the penalty for violations of law relative to, 501:1

### CRIMINAL PRACTICE AND PROCEDURE

- Zoning, removal of structure, further regulating the procedure to force the, 481

### CROHN'S DISEASE

- Health and accident insurance coverage for, providing, 683

### CUSHING HOSPITAL

- Framingham, construction of a geriatric center at the present site of the, authorizing the commonwealth to plan for, 678

### Daly, Monsignor William J., Memorial Recreation Center

- Boston, authorizing the commonwealth to lease said parcel of land and the buildings thereon to an individual or entity, 576
- Cytologic screening benefits, health and accident insurance, providing for, 363

### DAY CARE PROGRAMS

- School age children, further regulating, 690

### DEATH

- Pronouncement of, by registered nurses, relative to, 430

### DENTAL EXAMINERS

- Extending the disciplinary powers of the, 454

## INDEX

### DEPARTMENT OF COMMERCE AND DEVELOPMENT

(see COMMERCE AND DEVELOPMENT)

### DEPOT STREET ASSOCIATES

Uxbridge, authorizing the commonwealth to lease property in the town of, from, for use as a visitor center for the Blackstone River and Canal Heritage State Park, 752

### DEPOT, THE

Abington, alcoholic beverages, authorizing the town to issue a license for the sale of, to George J. Roberts, III d/b/a as, 526

### DESTRUCTION, MALICIOUS

see MALICIOUS DESTRUCTION OF PROPERTY)

### DISABILITY

Temporary and dependent care, providing for a special commission to make an investigation and study relative to the establishment of a statewide insurance plan for...(Resolve 3)

### DISASTER RELIEF

(see APPROPRIATIONS)

### DISCHARGE PLANNING

Medicare patients, in acute care hospitals, requiring, 655

### DISCRIMINATION

Age, public employees, further regulating, 415

### DISEASES

Infectious, reporting of, relative to, 696

### DISTRICT ATTORNEYS

Salaries of district attorneys and their assistants, further regulating, 723

### DISTRICTS

#### in general

Bonds and notes, refunding, relative to the issuance of, by districts, 585

Insurance premiums payable by surviving spouse of certain district employees, authorizing the district to pay, 401

#### special classes of districts

Fire, Cotuit fire district, providing for recall elections in, 441

Refuse, Greater New Bedford Regional Refuse Management District, relative to, 652

Regional school, distribution of school aid, further regulating, 737

Clarifying the budget process of the regional district school committee, 580

Martha's Vineyard Regional High School District, school committee, validating certain actions taken by, 449

Pathfinder Regional Vocational Technical High School District, relative to, 450

Reimbursable expenditures for regional school districts, relative to, 730

School, New Salem-Wendell School District, authorization to award certain contracts, relative to, 684

Water pollution abatement, Upper Blackstone Water Pollution Abatement District, increasing the compensation paid to members of the board of the, 458

Water supply, Leicester Water Supply District, proceeds of certain bonds or notes issued by, relative to, 406

Water, Grafton Water District, relating to the boundaries and indebtedness of, 427

Leino Park Water District, validating the authorization of certain bonds by the, 620

### DOGS

Failure to license, increasing the penalty for, 404

### DOUGLAS STATE FOREST

Conveyance by the commonwealth of a certain parcel of land, in the, to Ronald M. and David W. McCann, authorizing, 558

## INDEX

### **Doyle, Lawrence B., Bridge**

Brewster, designating a certain bridge in the town of, as the, 511

### **DRUGS**

(see **CONTROLLED SUBSTANCES**)

### **ECONOMIC AFFAIRS, EXECUTIVE OFFICE OF**

Reorganization of, 525

### **ECONOMIC DEVELOPMENT PROJECTS**

(see **BUSINESS AND COMMERCE**)

### **EDUCATION**

Evaluation and improvement of education in the public schools, relative to, 727

Vocational education, improving, 731

#### **higher education**

Board of regents and boards of trustees of institutions of higher education, allowing certain public employees to serve on, 472

### **EDUCATION LOANS**

(see **STUDENT LOANS**)

### **EDUCATIONAL MEASUREMENT AUDIT COUNCIL**

Establishing, 727:6

### **ELDERLY PERSONS**

(see **AGED PERSONS**)

### **ELECTIONS**

(see also **VOTERS**)

#### **in general**

Absentee ballots, allowing voter to vote substitute ballot if defective, 431

Ballot positions, further regulating, recounts and other matters involved in elections, 438

Polling places, designation of, by aldermen or selectmen, relative to, 437

Registration of voters, further regulating, 488

State primary for calendar year 1988, establishing the date of, 617

Town and district elections, certain, authorizing the changing of the dates of, 598

#### **special provisions relative to particular cities and towns**

Ashland, recall elections, providing for, 372

Cotuit fire district, recall elections, providing for, 441

Hadley, recall elections, providing for, 384

Hull, recall elections, providing for, 443

Sandwich, recall elections, providing for, 408

South Hadley, election of town meeting members, relative to, 661

West Brookfield, recall elections, providing for, 383

West Stockbridge, special election, providing for, 529

### **ELECTRIC COMPANIES**

Assessment by fuel bureau against, relative to, 516

### **ELECTRICIANS**

Licensing of, relative to, 764

### **EMPLOYERS AND EMPLOYEES**

Improper expenditure by employer of wages withheld from employee, establishing penalties for, 635

Violations of law concerning labor and industries, increasing the penalties for, 559

### **EMPLOYMENT SECURITY**

Worksharing programs and retraining incentives, providing for, 663

### **ENTREPRENEURIAL AND SMALL BUSINESS DEVELOPMENT, DIVISION OF**

Establishing, 525:15-22

## INDEX

### **ENVIRONMENTAL CHALLENGE FUND**

Establishment of, 584:4

### **ENVIRONMENTAL ENHANCEMENT AND PROTECTION PROGRAM**

Providing for, 564

### **ESTATES**

Administrators, public or special, relative to petitions for administration filed by, 557

### **EVIDENCE**

Admissibility of medical bills, relative to, 540

### **Evora, Norbett and Phyllis**

North Reading, authorizing the town to reimburse certain real estate taxes, to, 700

### **EXECUTIVE OFFICE OF ECONOMIC AFFAIRS**

(see **ECONOMIC AFFAIRS, EXECUTIVE OFFICE OF**)

### **EYE EXAMINATIONS**

Allowing use of diagnostic pharmaceutical agents by optometrists during, 643

### **FAMILY ABUSE**

Providing for arrest for assault and battery involving, 761

### **FEDERAL TAX LIENS**

Recording of, relative to, 675

### **FILM AND VIDEO DEVELOPMENT, OFFICE OF**

Establishing, 525:36

### **Finnegan, Senator Joseph, Park**

Boston, designating certain park land in the city of, as the, 462

### **FIRE DEPARTMENTS AND FIREFIGHTERS**

#### **in general**

Age discrimination, exempting fire department and police department employees from the prohibition against, 415:2

Further defining the term "FIREFIGHTER"

Professional firefighters of Massachusetts, authorizing certain time off for officers of, 377

Retirement system for firefighters, further regulating, 697

#### **provisions for particular cities and towns**

Haverhill, Haverhill Firemen's Relief Association, further regulating retirement benefits to members, 639

Lee, civil service laws, position of chief of the fire department, exempting from, 668

Norton, Norton Firefighters Relief Association, authorizing the dissolution of, 740

Springfield, funeral expenses of certain deceased firefighters authorizing the city to pay, 386

### **FIRE PREVENTION**

Education in housing for the elderly regarding fire protection, requiring, 632

### **FIRE PROTECTION SPRINKLER SYSTEM CONTRACTORS**

Regulating, 616

### **FIRE WARNING SYSTEM CONTRACTORS AND TECHNICIANS**

Licensing of, relative to, 764

### **Fitzgerald, Edward F. (Buddy), Jr., Bench**

Boston, designating a certain bench on Castle Island as, 432

### **FISHERIES, MARINE, DIVISION OF**

Relative to, 709

### **FOOD PROCESSORS AND DISTRIBUTORS**

Licensing of, relative to, 757

## INDEX

### **FOXBOROUGH HOUSING AUTHORITY**

Conveyance by the commonwealth of a certain parcel of land in the town of Foxborough, to the, authorizing, 403

### **FRAUDULENT CHECKS**

Uttering, drawing, or delivering, providing civil penalties for, 510

### **FUEL BUREAU**

Assessments against electric companies, relative to, 516

### **FUNDS**

Child Abuse Prevention Fund, establishing, 729

### **FURLOUGHS**

Inmates returning from, smuggling illegal drugs or weapons into a correctional institution, prohibiting, 411

### **GAS FITTING WORK AND PLUMBING**

In certain public buildings, requiring regulations to be formulated relative to, 356

### **GAY HEAD INDIANS**

Land claims, settlement of, funding for, 702

### **GENERAL COURT**

State Representative Districts, certain, designation of, relative to, 715

### **GENERAL RELIEF GRANTS**

(see **PUBLIC WELFARE, DEPARTMENT OF**)

### **GLOUCESTER REDEVELOPMENT AUTHORITY**

Land, in the city of Gloucester, authorizing the exchange of certain parcels between the commonwealth and the, 745

### **Golden, Bernard J., Bridge**

Woburn, designating a certain bridge in the city of, as the, 720

### **Goyette, Robert**

Reimbursement by the commonwealth of certain costs incurred by, directing, 528

### **GRAFTON WATER DISTRICT**

Boundaries and indebtedness of, relating to, 427

### **GREATHER NEW BEDFORD REGIONAL REFUSE MANAGEMENT DISTRICT**

Relative to, 652

### **Guerney, Ralph E. Jr.**

Reimbursement by the commonwealth of certain costs incurred by, directing, 592

### **Haddad, Steven & Co., Inc.**

Springfield, conveyance by the city of a certain parcel of land, to, authorizing, 623

### **Hale, John M.**

Lawrence, directing the retirement board of the city of, to pay a certain sum of money, to, 657

### **HANDICAPPED PERSONS**

Accessibility to the state house for the handicapped, providing for, 682

Regulating the use of parking fees to remove architectural barriers for better access by, 420

### **HARBOR DISTRICT VETERANS MEMORIAL BRIDGE**

Clinton, designating a certain bridge in the town of, as the, 505

### **HARBOR MASTERS**

Appointment, term, removal, further regulating, 523

## INDEX

### **HAROLD PARKER STATE FOREST**

Flowage easement in, authorizing the commonwealth to convey to the town of Danvers, 689

### **Haskell, Leslie A.**

Pension, directing the city of Chelsea to grant, to, 407

### **HAVERHILL FIREMEN'S RELIEF ASSOCIATION**

Retirement benefits to members, further regulating, 639

### **HAVERHILL MUNICIPAL HOSPITAL**

Authorization to enter into cooperative agreements with private entities, 604

### **HAVERHILL, CONSERVATION OFFICER**

Classifying for retirement purposes, 572

### **HAZARDOUS SUBSTANCES**

Response action contractors, liability of, relative to, 642

### **HAZING**

Penalties for, increasing, 665

### **HEALTH CARE**

Personal injury listings of actions against provider of health care services, relative to protection for persons named in listing, 542

Supplemental medicare health plans, common enrollment dates, relative to, 621

### **HEALTH CARE FACILITIES**

Disclosure of ownership of certain health care facilities, relative to, 440

Transfer of ownership and licenses of convalescent homes, nursing homes, infirmaries and other health care facilities, further regulating, 669

### **HEALTH MAINTENANCE ORGANIZATIONS**

Cytologic screening and mammographic examination insurance coverage for, providing, 363

Infertility, providing insurance coverage for expenses of treatment of, 394

Insurance coverage, public employees, clarifying, 575

Supplemental medicare health plans, relative to, 621

Ulcerative Colitis and Crohn's Disease, providing medical insurance coverage for, by, 683

### **HIGHER EDUCATION**

New England Higher Education Compact, relative to, 571

### **HOMELESS PERSONS**

Shelter for, authorizing the Boston Housing Authority to sell certain real property to the Pine Street Inn, Inc., 717

### **HORSE RACING**

Operation of, further regulating, 680

### **HORSE STABLES AND LICENSED KENNELS**

Further regulating, 543

### **HOSPITAL SERVICE CORPORATIONS**

(see **NONPROFIT HOSPITAL SERVICE CORPORATIONS**)

### **HOSPITALS**

#### **in general**

Acute care hospitals, medicare patients, relative to discharge planning for, 655

Maternity patients, requiring disclosure of certain information to, by hospitals, 480

#### **special provisions relative to particular hospitals**

Barnstable County Hospital, borrowing for improvements, authorizing, 359

Haverhill Municipal Hospital, authorization to enter into cooperative agreements with private entities, 604

Plymouth County Hospital, special account for, establishing, 464

## INDEX

### **HOSPITALS, CHRONIC**

(see **LONG TERM CARE FACILITIES**)

### **HOUSING**

Low and moderate income, special commission to make an investigation and study of the implementation of, providing for...(Resolve 4)

### **HOUSING AUTHORITIES**

(see also **AUTHORITIES AND COMMISSIONS**)

Assistance programs, regulating the number of subsidized units in certain residential property leased by, 612

Audit of records, authorization to conduct either annually or biennially, 413

Claims against, further regulating, 343

Employees of, authorizing the holding of elective office by, 374

### **HULL YACHT CLUB**

Authorizing the town of Hull to lease certain land to the, 460

### **HUMAN SERVICES AND MENTAL HEALTH PROFESSIONS, ALLIED**

Establishing a board of registration for, 521

### **INCUBATOR PROGRAM FOR SMALL BUSINESS**

Establishing, 738

### **INDIAN AFFAIRS**

Commission on, relative to the membership of, 445

### **INDIAN LAND CLAIMS**

Gay Head Indians, appropriating funds for purchase of private land in settlement of, 702

### **INDUSTRIAL ACCIDENTS**

(see **WORKERS' COMPENSATION**)

### **INDUSTRIAL FINANCE AGENCY**

Economic development projects, alternative financing methods, 769

### **INFERTILITY**

Insurance coverage for the payment of expenses incurred in the treatment of, providing for, 394

### **INFIRMARIES**

(see **HEALTH CARE FACILITIES**)

### **INMATES**

(see **CORRECTIONAL INSTITUTIONS**)

### **INSANE**

(see **MENTAL ILLNESS**)

### **INSPECTOR GENERAL**

Powers of, further regulating, 654

### **INSURANCE**

#### **special classes of insurance**

Accident and sickness, infertility, providing for insurance coverage for payment of expenses for treatment of, 394

Public employees, clarifying health maintenance organization coverage for, 575

Health and accident, life, for state employees on parental leave, requiring group insurance coverage, 713

Cytologic screening and mammographic examination benefits, providing for, 363

Public employees, clarifying procedures regarding notification of claims, 565

Requiring medical service corporations to provide insurance coverage for chiropractic services, 711

Ulcerative colitis and Crohn's disease, providing medical benefits for, 683

## INDEX

### **INSURANCE Continued**

#### **special classes of insurance Continued**

- Liability, amusement parks, further regulating bodily injury and property damage coverage of, by, 419
- Liquor liability insurance, further regulating the Joint Underwriting Association, 614
- Pollution Liability Reinsurance Corporation, establishing the, 650
- Medical malpractice insurance, further regulating, 560

### **INTERMEDIATE HEALTH CARE FACILITY**

(see **HEALTH CARE FACILITIES**)

### **INTERNATIONAL TRADE AND INVESTMENT, OFFICE OF**

Establishing, 525:23-28, 31

### **INTOXICATED PERSONS**

Sale of alcoholic beverages to, prohibiting, 754

### **INVESTIGATION AND STUDY**

(see **COMMISSIONS, SPECIAL**)

### **JOINT UNDERWRITING ASSOCIATION**

Liquor liability insurance, further regulating, 614

### **JUDGES AND JUDICIAL POSITIONS**

(see **COURTS**)

### **JUDICIAL CONDUCT COMMISSION**

Revising the procedures for the operation of, 656

### **KENNELS AND HORSE STABLES**

Further regulating, 543

### **Kerr, James L.**

Teachers' retirement system, directing the reinstatement of, in the, 622

### **Kurt's Corner**

Kurt Petzold d/b/a, Middleborough, Alcoholic Beverages, authorizing the town to issue a license for the sale of, to, 425

### **LABOR**

- Public officers and employees, collective bargaining, dispute resolution, relative to, 589
- Workers' compensation, further regulating, 691
- Worksharing programs and retraining incentives, providing for, 663

### **LABOR AND INDUSTRIES, DEPARTMENT OF**

- Operation of department, further regulating, 544
- Penalties for violations of law concerning labor and industries, increasing, 559

### **LABOR RELATIONS COMMISSION**

Powers of, further regulating, 412

### **LABORATORIES, CLINICAL**

Prohibiting certain practices, by, 733

### **LAND BANKS**

- Martha's Vineyard Land Bank, further regulating, 673
- Nantucket Islands Land Bank, relative to, 666

### **LAND COURT**

(see **COURTS**)

### **LARCENY**

Further defining the crime of, 468:1



## INDEX

### **LAWRENCE REDEVELOPMENT AUTHORITY**

Park land, authorizing the transfer by the city of Lawrence of certain parcels, to the, 672

### **LEAD POISONING**

Further preventing, 773

### **LEASES**

Nonresidential real estate, relative to, 381

### **Ledgemere Land Corporation**

Framingham, easements over certain land in the town of, authorizing the commonwealth to convey, to the 763

### **LEGAL COUNSEL**

Assignment of, in capital crimes, further regulating, 380

### **LEGISLATIVE AGENTS**

Disclosure of certain expenditures by, further regulating, 567

### **LEICESTER WATER SUPPLY DISTRICT**

Proceeds of certain bonds or notes issued by, relative to, 406

### **LEINO PARK WATER DISTRICT**

Validating the authorization of certain bonds by the, 620

### **LIBEL OR SLANDER**

Defense to action for, relative to, 588

### **LIBRARIES**

Public, providing funding and assistance for, 478

### **LICENSES AND PERMITS**

Auctioneer permits, extending the time period within which cities and towns, must act on an application for, 375

Dog license, failure to obtain, increasing the penalty, 404

Electricians, fire warning system contractors and technicians, security system contractors and technicians, relative to the licensing of, 764

Fish and game, wholesale dealer permits, relative to, 709

Food processors and distributors, further regulating the licensing of, 757

Lodging houses, licensing, appeal from decision, providing for, 743

Pipefitters, refrigeration technicians, and sprinkler fitters, providing for the licensing of, 616

Psychologists, licensing of, further regulating, 734

### **LIENS**

Authorizing cities and towns to place liens on certain real properties, 626

Federal tax liens, notice, filing, relative to, 675

### **LIMITATION OF ACTIONS**

Certified public accountants, relative to contract or tort actions against, 418

Prosecution of crimes involving child victims, relative to the statute of limitations for, 489

### **LIQUOR LIABILITY INSURANCE**

(see **INSURANCE**)

### **Livingstone, Margaret M.**

Retirement benefits, directing the state retirement board to pay, to, 396

### **LOANS**

(see also **BANKS AND BANKING**)

Mortgage loans, development of residential property, relative to, 552

Student loans, collection of, relative to, 667

### **LOBBYIST**

(see **LEGISLATIVE AGENT**)

## INDEX

### **LOBSTERS**

Minimum size, further regulating, 577

### **LODGING HOUSES**

Licensing, appeal from decision, providing for, 743

### **LONG TERM CARE FACILITIES**

Residents of, personal care allowance, further regulating, 716

### **Lucretia Crocker Foundation Trust Fund**

Establishing, 727:7

### **LYMAN SCHOOL**

Westborough, conveyance by the commonwealth of various parcels of land located on the grounds of, authorizing, 660

### **MALICIOUS DESTRUCTION OF PROPERTY**

Private property, further defining the crime of, 468:5

Public property, increasing fine and requiring restitution for, 416

### **MALPRACTICE, MEDICAL**

(see **MEDICAL MALPRACTICE**)

Mammographic examination benefits, accident and health insurance, providing for, 363

### **MANPOWER AFFAIRS, EXECUTIVE OFFICE OF**

(see **ECONOMIC AFFAIRS, EXECUTIVE OFFICE**)

### **MARRIAGES**

Solemnization of, between Karla Henry and Alexander F. Fleming, authorizing the state secretary to authorize, 387

Solemnization of, between Robert Lawrence Lynch and Donna Jean Stephenson, authorizing the state secretary to authorize, 605

### **MARTHA'S VINEYARD LAND BANK**

Further regulating, 673

### **MARTHA'S VINEYARD REGIONAL HIGH SCHOOL DISTRICT**

School committee, validating certain actions taken by, 449

### **MASSACHUSETTS BAY TRANSPORTATION AUTHORITY**

Land, conveyance by the commonwealth of certain parcels in the city of Boston, to the, authorizing, 631

### **MASSACHUSETTS FIREFIGHTING ACADEMY**

Designation as the Captain T. Dustin (Dusty) Alward Firefighting Academy, providing for, 513

### **MASSACHUSETTS GERIATRIC CENTER**

Authorizing the commonwealth to plan for the construction, at the present site of the Cushing Hospital, of the, 678

### **MASSACHUSETTS OFFICE OF BUSINESS DEVELOPMENT**

Establishing, 525:3

### **MASSACHUSETTS STATE TRACK FACILITY BUILDING FUND**

Establishing, 772:7

### **MASSACHUSETTS WATER RESOURCES AUTHORITY**

Land, in the town of Clinton, directing the town to convey certain parcels, to the, 625

Relative to, 700

### **MATERNITY PATIENTS**

(see **PATIENTS' RIGHTS**)

## INDEX

### **McCahill, John**

Continued employment past age seventy, as court officer in Norfolk Superior Court, authorizing, 600

### **McLaughlin, Michael J.**

Revere, directing the city to grant a pension to, 395

### **McNeil, Honorable Robert D., Memorial Highway**

Leicester, designating a portion of a certain highway as the, 545

### **MEDFORD HOUSING AUTHORITY**

Land, in the city of Medford, authorizing the commonwealth to convey a certain parcel, to the, 578

### **MEDICAL BILLS**

Admissibility as evidence, relative to, 540

### **MEDICAL MALPRACTICE INSURANCE**

(see **INSURANCE**)

### **MEDICAL MALPRACTICE**

Interim report and recommendations, relative to, 742

### **MEDICAL PEER REVIEW COMMITTEE**

Confidentiality of records, relative to, 467

### **MEDICAL SERVICE CORPORATIONS**

Chiropractic services, requiring insurance coverage for, 711

Cytologic screening and mammographic examination, providing insurance coverage for, 363

Infertility, providing for insurance coverage for payment of expenses for treatment of, 394

Supplemental medicare health plans, relative to, 621

Ulcerative colitis and Crohn's Disease, providing medical insurance coverage for, by, 683

### **MEDICARE PATIENTS**

Acute care hospitals, relative to discharge planning for, 655

### **MENTAL HEALTH AND HUMAN SERVICES PROFESSIONS, ALLIED**

Establishing a board of registration for, 521

### **MENTAL ILLNESS**

Allied mental health and human services professions board of registration, establishing, 521

Further defining mental illness, 522

### **MENTALLY RETARDED PERSONS**

Transportation costs incurred by certain, providing for reimbursement of, 633

### **METROPOLITAN DISTRICT COMMISSION**

#### **special provisions**

New Salem, land in the town of, under the control of the commission, authorizing the commonwealth to grant an easement, to Bernard Snow, 555

Newton, land in the city of, under the control of the commission, authorizing the commonwealth to convey certain easements to the city of Newton, 166

### **MILK**

Further defining, 446

### **MINORITY AND WOMEN BUSINESS DEVELOPMENT AND EMPLOYMENT**

Establishing the office of, 525:30-35

### **MINORITY AND WOMEN BUSINESS ASSISTANCE, STATE OFFICE OF**

Establishing, 525:31-35

### **MOBILE HOMES**

Boston, control of rents and evictions in, relative to, 504

Cheshire, providing for the establishment of regulations relative to rent and evictions in mobile home parks, 392

## INDEX

### **MORTGAGES**

Discharges, relative to, 533  
Disclosure of information and timely action of applications involving, providing for, 728  
Documents relative to value of residential property, providing to mortgage loan applicants, 687  
Loans for development of residential property, relative to, 552

### **MOTOR VEHICLES**

Civil motor vehicle infractions, clarifying procedures involving, 399:1, 3-5  
Exclusion, by cities and towns, of motor vehicles from public ways, relative to, 741  
Railroad crossings, violation of laws relative to, increasing the penalty for, 501  
Ride-sharing, vanpooling, tax credits, relative to, 736  
Sales, voidable, further regulating, 470  
Penalties or violations of laws involving motor vehicles, increasing and further regulating driving in the right lane, 390  
Vehicles transporting special needs children, requiring display of certain information on, 471

### **MUNICIPAL ADMINISTRATION ACT**

(see CITIES AND TOWNS)

### **MUNICIPAL CHARGES LIEN**

(see CITIES AND TOWNS)

### **MUNICIPAL DRINKING WATER TREATMENT PLANTS**

Relative to, 753

### **MUNICIPAL FINANCE**

Estimated tax payments, authorizing cities and towns to issue and to collect, 463  
Sale of municipal real estate, use of proceeds derived from, relative to, 456

### **MUNICIPAL GROWTH AND DEVELOPMENT POLICY COMMITTEE**

(see also CITIES AND TOWNS)

### **MUNICIPAL LAND**

Amherst, conservation land, conveyance by the town of a certain parcel, to the Amherst Housing Authority, authorizing, 536  
Ayer, conveyance by the town of control over a certain parcel from the selectmen to the historical commission, authorizing, 447  
Clinton, conveyance by the town of certain parcels, to the Massachusetts Water Resources Authority, directing, 625  
Falmouth, release by town of sanding rights in a certain parcel, in exchange for conveyance of other parcel to town, authorizing, 435  
Hull, lease by the town of certain municipal land to the Hull Yacht Club, authorizing, 469  
Newton, use by the city of a certain parcel for municipal purposes, authorizing, 659  
Springfield, conveyance by the city of a certain parcel of land, to Steven Haddad & Co., Inc., authorizing, 623  
Walpole, sale by the town of a certain parcel of conservation land, authorizing, 637

### **MUNICIPAL OFFICERS AND EMPLOYEES**

Assistant collector of taxes, providing for the appointment of, 378  
Health insurance premiums payable by surviving spouse of certain municipal employees, authorizing a city, county, town or district to pay a portion of, 401  
Housing authority employees, authorizing the holding of elective municipal office by, 374  
Seniority rights, certain part-time civil service employees, extending, 517

### **MUTUAL HOLDING COMPANIES**

Establishment of, authorizing, 630

### **NANTUCKET ELECTRIC COMPANY**

Bonds for land and equipment, relative to, 585:2

### **NANTUCKET HISTORIC DISTRICT COMMISSION**

Relative to, 735

## INDEX

### **NANTUCKET ISLANDS LAND BANK**

Relative to, 666

### **NATIONAL GUARD**

Re-location of, providing funds for, 771

### **New England Higher Education Compact**

Relative to, 571

### **NEWBURYPORT HOUSING AUTHORITY**

Land, conveyance by the commonwealth of a certain parcel in the city of Newburyport, to the Authority, authorizing, 423

### **NEW SALEM-WENDELL SCHOOL DISTRICT**

Authorization to award contracts for renovations to a certain school, relative to, 684

### **NONPROFIT CORPORATIONS**

(see **CORPORATIONS**)

### **NONPROFIT HOSPITAL SERVICE CORPORATIONS**

Cytologic testing and mammographic examination, providing insurance coverage for, 363

Infertility, providing insurance coverage for treatment of, 394

Supplemental medicare health plans, relative to, 621

Ulcerative colitis and Crohn's disease, providing medical insurance coverage for, by, 683

### **NORFOLK COUNTY AGRICULTURE SCHOOL**

Construction, renovating and furnishing of buildings at, relative to, 747

### **NORFOLK HOUSING AUTHORITY**

Land, conveyance by the commonwealth of a certain parcel, to the, authorizing, 688

### **NORTON FIREFIGHTERS RELIEF ASSOCIATION**

Authorizing the dissolution of, 740

### **NURSE-MIDWIFERY**

Permitting the practice of, in places other than licensed facilities and birth centers, 182

### **NURSES**

Board of registration in nursing, members of, relative to, 534

Pronouncement of death by registered nurses, relative to, 430

### **NURSING HOMES**

(see **HEALTH CARE FACILITIES AND LONG TERM CARE FACILITIES**)

### **NURSING REHABILITATION PROGRAM**

Establishment of, providing for, 692

### **OFFICE FOR CHILDREN**

(see **CHILDREN**)

### **OFFICE OF BUSINESS DEVELOPMENT**

Establishing, 525:3

### **OPTOMETRY**

Further regulating the practice of, 570

Use of diagnostic pharmaceutical agents, by optometrists, authorizing, 643

### **PARK LAND**

Danvers, easement in a certain parcel, authorizing the town to acquire, 442

Fall River, conveyance by the city of a certain parcel of, authorizing, 638

Lawrence, transfer by the city of certain parcels, to the Lawrence Redevelopment Authority, authorizing, 672

## INDEX

### **PARK LAND Continued**

West Newbury, conveyance by the town of an easement in a certain parcel, to the West Newbury Housing Authority, authorizing, 591  
Winchester, easement in a certain parcel, authorizing the town to grant, to Angelo Marotta, 391

### **PARKER STATE FOREST)**

(see **HAROLD PARKER STATE FOREST**)

### **PAROLE BOARD**

Providing that the board shall be subject to the administrative procedures act, 520  
Temporary appointments to the board, providing for, 379

### **PATHFINDER REGIONAL VOCATIONAL TECHNICAL HIGH SCHOOL DISTRICT**

Relative to, 450

### **PATIENTS' RIGHTS**

Maternity patients, requiring hospitals to disclose certain information to, 480

### **Patriquin, Royal B. Jr., Memorial Bridge**

Mansfield, designating a certain bridge in the town of, as the, 547

### **PEER REVIEW COMMITTEE**

(see **MEDICAL PEER REVIEW COMMITTEE**)

### **PENSIONS**

(see **RETIREMENT SYSTEMS AND PENSIONS**)

### **Petzold, Kurt, d/b/a Kurt's Corner**

Middleborough, alcoholic beverages, authorizing the town to issue a license for the sale of, to, 425

### **PINE STREET INN, INC.**

Boston, authorizing the Boston Housing Authority to sell certain real property to the, 717

### **PIPEFITTERS**

Licensing of, providing for, 616

### **PIPELINES**

Taxation of, further regulating the procedure for determination of value, 483

### **PLUMBING AND GAS FITTING WORK**

Certain public buildings, requiring regulations be formulated relative to, 356

### **PLYMOUTH COUNTY HOSPITAL**

Special account for, establishing, 464

### **POISONS AND POISON CONTROL**

Lead poisoning, further preventing, 773

### **POLICE DEPARTMENTS AND POLICE OFFICERS**

#### **in general**

Age discrimination, exempting certain police and fire department employees from the prohibition against, 415:2

Railroad police officers, powers of, further regulating, 501

Retirement system for police officers, further regulating, 697

#### **provisions for particular cities and towns**

Brookline, appointment of special police officers, relative to, 479

Fall River, appointment of certain full time police officers, relative to, 452

Framingham, civil service laws, position of chief of police, exempting from, 590

Natick, civil service laws, position of chief of police, exempting from, 539

Springfield, funeral expenses of certain deceased police officers, authorizing the city to pay, 386

Tewksbury, establishment of a reserve police force, authorizing, 671

Watertown, Watertown Police Relief Association, relative to, 627

## INDEX

### **POLITICAL COMMITTEES**

Limiting campaign contributions of, 519

### **POLLUTION LIABILITY REINSURANCE CORPORATION**

Establishing the, 650

### **POULTRY**

Selling or transporting of live poultry, for health purposes, further regulating, 703

### **PRACTICE IN CIVIL ACTIONS**

Libel or slander, defense to action for, relative to, 588

Zoning, legal action to force removal of structure, further regulating the procedure for, 481

### **PRECIOUS METALS**

Exempting from the sales tax, certain, 608

### **Prescott, John D., Memorial Bridge**

Mansfield, designating a certain bridge in the town of, as the, 546

### **PRISONERS**

(see **CORRECTIONAL INSTITUTIONS**)

### **PRIVILEGED COMMUNICATIONS**

Further defining sexual assault counsellor for purposes of, 477

Social workers and therapists in adoption cases, relative to, 398

### **PROFESSIONAL DEVELOPMENT SCHOOLS GRANT PROGRAM**

Establishing, 727:9

### **PROFESSIONAL FIREFIGHTERS OF MASSACHUSETTS**

Authorizing certain time off for officers of, 377

### **PROPANE GAS**

Regulating contracts for sale of, made between vendor and homeowner prior to the sale of property,  
424

### **PSYCHOLOGISTS**

Licensing of, further regulating, 734

### **PSYCHOTHERAPISTS**

Privileged communications, adoptions, relative to, 398

### **PUBLIC BUILDINGS**

Maintenance of public buildings rented by the commonwealth, contracts for, relative to, 762

Plumbing and gas fitting work in, relative to, 356

Smoking in public buildings, further regulating, 759

### **PUBLIC COUNSEL SERVICES**

Assignment of legal counsel in capital crimes, for indigent defendants, relative to, 380

### **PUBLIC EMPLOYEES**

(see **PUBLIC OFFICERS AND EMPLOYEES**)

### **PUBLIC HEALTH, DEPARTMENT OF**

Bottled water, purity of, relative to, 594

Infectious diseases dangerous to the public health, reporting of, relative to, 696

Poultry, selling or transporting of live poultry, further regulating, for health purposes, 703

### **PUBLIC LIBRARIES**

(see **LIBRARIES, PUBLIC**)

### **PUBLIC OFFICERS AND EMPLOYEES**

Age discrimination involving certain, further regulating, 415

## INDEX

### **PUBLIC OFFICERS AND EMPLOYEES Continued**

Collective bargaining, dispute resolution, relative to, 589  
Health and accident insurance, clarifying health maintenance organization coverage for, 575  
Cytologic screening and mammographic examination benefits, providing for, 363  
Group insurance, notification of claims, clarifying procedures, 565  
Retirement system for, further regulating, 697  
Seniority rights, certain part-time civil service employees, relative to, 517  
Tax deferred investments for certain employees, relative to, 537

### **PUBLIC PROPERTY**

Malicious destruction of, increasing fine and requiring restitution for, 416

### **PUBLIC UTILITIES, DEPARTMENT OF**

Fuel bureau, relative to, 516

### **PUBLIC WELFARE, DEPARTMENT OF**

General relief grants, providing for uniformity in, 651

### **PUBLIC WORKS, DEPARTMENT OF**

Cambridge, land in the city of, authorizing the commonwealth to grant an easement over a certain parcel, to the department, 705  
Employees, certain, of the department, granting eligibility to take certain civil service examinations, 227  
Lowell, land in the city of, authorizing the commonwealth to transfer certain parcels to the department, 326

### **Quinn, Robert H., Administration Building**

Designating a certain building at the University of Massachusetts at Boston as the, 538

### **RADIOACTIVE WASTE, LOW-LEVEL**

Management of, providing for, 549

### **Raher, James M.**

Leominster, retirement allowance, authorizing the city to pay, to, 388

### **RAILROAD PROPERTY**

Trespass upon, relative to, and increasing fines relative to motor vehicle violations of precautions involving railroad crossings, 501

### **REAL ESTATE**

(see also **REAL PROPERTY**)

(see also **MORTGAGES**)

### **REAL ESTATE TIME SHARES**

Regulating, 760

### **REAL PROPERTY**

Certificates of title, encumbrances upon, further regulating, 455  
Liens, by cities and towns, on certain real property, authorizing the placing of, 626  
Mortgages, discharges, relative to, 533  
Propane gas, sellers of, regulating contract made with prior owner of property, 424

### **RECALL ELECTIONS**

Ashland, providing for, 372  
Cotuit Fire District, providing for, 441  
Hadley, providing for, 384  
Hull, providing for, 443  
Sandwich, providing for, 408  
West Brookfield, providing for, 383

### **RECEIVING STOLEN GOODS**

Further defining the crime of, 468:4



## INDEX

### **RECORDS**

Higher education institutions, availability of personnel records to employees of, relative to, 686

### **RECREATION VEHICLE**

Civil motor vehicle infractions by, relative to, 399:2

### **REFRIGERATION TECHNICIANS**

Licensing of, providing of, 616

### **REGENTS, BOARD OF**

(see **BOARD OF REGENTS**)

### **REGIONAL SCHOOL DISTRICTS**

(see **Districts**)

### **REGISTER OF PROBATE**

(see **COURTS**)

### **REGISTERED NURSES**

(see **NURSES**)

### **REGISTRATION, BOARDS OF**

Allied mental health and human services professions, establishing a board of registration for, 521

Dental examiners, extending the disciplinary powers of the board of, 454

Medicine, records, reports of the board, providing for confidentiality of, 579

Nursing, members of board, relative to, 534

Rehabilitation program for nurses, directing the board to establish, 692

Pharmacy, powers of the board of, relative to, 414

Psychologists, licensing of, by, further regulating, 734

### **RENEWABLE ENERGY SOURCE PROPERTY**

Residential tax credits for, relative to, 677

### **RENT SUBSIDY PROGRAMS**

Right of certain persons to participate in, regulating, 497

### **RESOLVES**

Reviving, continuing and increasing the membership of certain special commissions...(Resolve 1)

Increasing the membership of special commission studying indoor air pollution...(Resolve 2)

Investigation and study, insurance plan for temporary disability and dependent care, providing for a special commission to make...(Resolve 3)

Investigation and study, implementation of low and moderate income housing provisions, special commission, providing for....(Resolve 4)

Reviving and continuing the special commission investigating the operation and maintenance of lockup facilities...(Resolve 5)

Reviving, continuing and increasing membership of special commission investigating the availability of workers in long term care services for the elderly...(Resolve 6)

### **RESPONSE ACTION CONTRACTORS**

Oil and hazardous material release, relative to the liability of, 642

### **REST HOMES**

(see **HEALTH CARE FACILITIES AND LONG TERM CARE FACILITIES**)

### **RETIREMENT SYSTEMS AND PENSIONS**

#### **in general**

Public employees, further regulating age discrimination involving, 415

Further regulating the retirement system for public employees, 697

#### **special provisions**

Chelsea, pension, Leslie A. Haskell, directing the city to grant, to, 407

Haverhill, conservation officer of the city of, classifying the retirement purposes, 572

Lawrence, directing the retirement board of the city of, to pay an amount of money to John M. Hale, 657

## INDEX

### **RETIREMENT SYSTEMS AND PENSIONS Continued**

#### **special provisions Continued**

- Leominster, Raher, James M., retirement allowance to, authorizing the city to grant, 388
- Lynn, Donald Bastarache, authorizing the city to adjust the retirement allowance of, 719
- Nantucket, classifying a certain employee of the town in a certain group for retirement purposes, 658
- Norfolk County retirement board, Marie Alward, directing the board to pay an accidental death benefit to, 389
- Revere, pension, directing the city to grant an annual pension to Michael J. McLaughlin, 395
  - Pension to Richard J. James, directing the city to grant, 601
- State retirement board, Margaret M. Livingstone, directing the board to grant certain retirement benefits to, 396
- Teachers' retirement system, James L. Kerr, directing the board to reinstate, 622

### **REVENUE, DEPARTMENT OF**

Child support enforcement, creating a division of, in the, 490

#### **Rezendes, George J.**

Nantucket, retirement system, classification in group 4 for retirement purposes, providing for, 658

### **RIDE SHARING**

(see Vanpools)

#### **Roberts, George J. III, d/b/a, THE DEPOT**

Arlington, alcoholic beverages, authorizing the town to issue a license for the sale of, to, 526

#### **Ruggeri, Pfc Ezio, Memorial Bridge**

Webster, designating a certain bridge in the town of, as the, 512

### **RUNNING TRACK FACILITY**

(see STATE RUNNING TRACK FACILITY)

### **SALES**

Bottled water sold commercially, purity of, relative to, 594

#### **Samuel Adams Tavern, Inc.**

Adams, alcoholic beverages, authorizing the town to issue a license for the sale of, to, 582

### **SAVINGS BANKS EMPLOYEES BENEFIT ASSOCIATION**

Establishing, 593

### **SCHOOL BUILDING ASSISTANCE PROGRAM**

Further regulating, 746

### **SCHOOL COMMITTEES**

Reporting requirements involving child abuse and neglect, requiring notification to school personnel, by, 439

### **SCHOOLS**

#### **public**

- Evaluation and improvement of, relative to, 727
- Eye examinations, of students, requiring report by examiner, 643
- School aid, distribution of, further regulating, 737
- Students, transportation of, reimbursement from state, further regulating, 767
- Tobacco products, students, prohibiting use on school grounds, by, 641

### **SCIENCE AND TECHNOLOGY, OFFICE OF**

Establishing, 525:36

### **SECRETARY, STATE**

Acceptance, on behalf of the commonwealth, of a certain print and poem by Sara Ting, by the state secretary, authorizing, 507

## INDEX

### **SECRETARY, STATE Continued**

Marriage, solemnization of, between Karla Henry and Alexander F. Fleming, authorizing the state secretary to authorize, 387

Marriage, solemnization of a certain marriage, between Robert Lawrence Lynch and Donna Jean Stephenson, authorizing the state secretary to authorize, 605

### **SECURITY SYSTEM CONTRACTORS AND TECHNICIANS**

Licensing of, relative to, 764

### **SEXUAL ASSAULT COUNSELLORS**

Further defining, 477

### **SEXUAL HARASSMENT**

Further defining, 473

### **Shively, Harold E., Administration Building**

Bunker Hill Community College, designating a certain building at, as the, 607

### **SLANDER OR LIBEL**

Defense to action for, relative to, 588

### **SMOKING**

Firefighters and police officers, prohibiting, 697:117

Public and private buildings, certain, further regulating, 759

### **SNOW VEHICLES**

Civil motor vehicle infractions by, relative to, 399:2

### **SOCIAL WORKERS**

Privileged communications, in adoption cases, relative to, 398

### **SOLID WASTE**

Management of, and the resulting abatement of pollution, relative to, 584

### **SOMBA**

Replaced by SOMWBA, 525:31-35

### **SOMWBA**

(see MINORITY AND WOMEN BUSINESS ASSISTANCE)

### **SPECIAL FUND**

Palmer, establishment of by the town of, authorizing, 466

Yarmouth, liability insurance fund, authorizing the town to establish, 750

### **SPECIAL PERMITS**

(see ZONING)

Tax deferred investments for certain, relative to, 537

### **SPECIAL NEEDS CHILDREN**

Vehicles used in the transportation of, requiring the display of certain information on, 471

### **SPRINKLER FITTER**

Licensing of, providing for, 616

### **STATE CRIER AND GREETER OF THE COMMONWEALTH**

Establishing the ceremonial position of, 606

### **STATE EMPLOYEES**

Insurance coverage, health and accident, life, for state employees on parental leave, requiring, 713

Part-time civil service employees, extending the seniority rights of certain, 517

Retirement system for, further regulating, 697

## INDEX

### **STATE EMPLOYEES Continued**

Seniority rights, certain part-time civil service employees, relative to, 517

Tax deferred investments for certain employees, relative to, 537

### **STATE HOUSE**

Accessibility of all facilities located therein, for handicapped persons, providing for, 682

Plaque honoring marines who were killed in Lebanon, directing the installation of, in the, 645

### **STATE PRIMARY**

(see ELECTIONS)

### **STATE REPRESENTATIVE DISTRICTS**

(see GENERAL COURT)

### **STATE RUNNING TRACK FACILITY**

Authorizing the commonwealth to acquire land in the city of Boston and to construct said facility thereon, 772

### **STATUTE OF LIMITATIONS**

(see LIMITATION OF ACTIONS)

### **STUDENT LOANS**

Collection of, relative to, 667

### **STUDENTS**

(see SCHOOLS)

### **Sturtevant, Harold**

Groveland, employment as fire chief of the town of, extending the time of, 514

### **SUMMER CAMPS**

Exemption from the meals and room occupancy excise tax, 581

### **TAX ASSESSORS**

Compensation for tax assessors and assistant tax assessors, relative to, 469

### **TAX COLLECTOR**

Assistant, providing for the appointment of, in cities and towns, 378

### **TAX LIENS**

Filing and notice of, relative to, 675

### **TAXATION**

#### **special classes of taxes**

##### **excise**

Corporate excise tax, exemption for vanpools, providing for, 736

Meals and room occupancy excise tax, exempting summer camps from, 581

##### **income**

Tax credits, residential, for renewable energy source property, relative to, 677

##### **real and personal**

Estimated tax payments, authorizing cities and towns to collect, 463

Exemptions, certain, further regulating, 758

Payment of real and personal property taxes, relative to, 402

Tax refunds or abateements, relative to, 376

Veterans' organizations, further regulating exemption for, 499

##### **real estate**

Amount of assessments, relative to, 712

Determination of certain tax payments, relative to, 518

Tax assessments, relative to, 518

##### **Sales tax**

Precious metals, certain, exempting from, 608

## INDEX

### **TECHNOLOGY SCHOLAR ADVISORY COUNCIL**

Establishing, 731:9

### **TECHNOLOGY SCHOLAR TRUST FUND**

Establishing, 731:10

### **TENANTS**

Rights of tenants under nonresidential real estate leases, further regulating, 381

### **TIME SHARES**

Real estate, regulating, 760

### **Ting, Sara**

Authorizing the state secretary to accept, on behalf of the commonwealth, a certain print and poem by, 507

### **TOBACCO PRODUCTS**

(see also **SMOKING**)

Use of, by students, on school grounds, prohibiting, 641

### **TOXIC SUBSTANCES**

Public water supplies, requiring the testing of, for, 618

### **TRACK FACILITY**

(see **STATE RUNNING TRACK FACILITY**)

### **TRAFFIC CONGESTION, ALLEVIATION**

(see **VANPOOLS**)

### **TRAFFIC REGULATIONS**

Penalties for violating, increasing, 390

### **TRAVEL AND TOURISM, OFFICE OF**

Establishing, 525:13, 14

### **TRUST FUNDS**

(see **COMMON TRUST FUNDS**)

### **ULCERATIVE COLITIS AND OTHER DISEASES**

Providing medical benefits for, 683

### **UNIVERSITY OF MASSACHUSETTS**

Boston, designation of a certain building as the Robert H. Quinn Administration Building, 538

Board of trustees of, relative to alumni representation on, 739

Permanent faculty positions, providing for certain additional, 722

### **UPPER BLACKSTONE WATER POLLUTION ABATEMENT DISTRICT**

Increasing the compensation paid to members of the board of, 458

### **URBAN JOB INCENTIVE BUREAU**

Establishing, 525:39, 40

### **VANPOOLS**

Tax credit, providing, 736

### **VARIANCES**

see **ZONING**)

### **VETERANS**

Real estate tax exemption for veterans' organizations, further regulating, 499

Reimbursements by the commonwealth to cities and towns for veterans' benefits, further regulating, 628

## INDEX

### **VOTERS**

Absentee ballots, allowing voters to vote substitute ballots if defective, 431  
Registration of voters, further regulating, 488

### **WASTE, RADIOACTIVE, LOW-LEVEL**

Management of, providing for, 549

### **WASTE, SOLID**

Relative to the management of and the resulting abatement of pollution, 584

### **WATER RESOURCES AUTHORITY**

(see MASSACHUSETTS WATER RESOURCES AUTHORITY)

### **WATER SUPPLY**

#### **special provisions**

Canoe River Aquifer Advisory Committee, establishment of, 461  
Municipal drinking water treatment plants, relative to, 753  
Testing of public drinking water supplies for toxic substances, requiring, 618

### **WATERTOWN POLICE RELIEF ASSOCIATION**

Relative to, 627

### **WATERTOWN REDEVELOPMENT AUTHORITY**

Abolition of, 405

### **Weihn, Philip J., Memorial Pool**

Clinton, designating a certain pool in the town of, as the, 453

### **Welz, Karl T.**

Estate of, authorizing the commissioner of revenue to act upon the application for abatement of estate taxes, by the, 698

### **WEST NEWBURY HOUSING AUTHORITY**

Park land, conveyance by the town of West Newbury, of an easement in a certain parcel, to the, 591

### **WILLS**

(see ESTATES)

### **WORKERS' COMPENSATION**

Further regulating, 691

### **WORKSHARING PROGRAMS**

(see EMPLOYMENT SECURITY)

### **ZONING**

Further regulating, 685  
Legal action to force removal of structure, further regulating the procedure for, 481  
Planning boards, expenditure of funds from defaulted security bond, by, providing for, 236  
Special permits, variances, further regulating procedure and notification of parties of interest, 498

# TABLE OF CHANGES

SHOWING

TO WHAT EXTENT THE GENERAL LAWS OF THE COMMONWEALTH, AS APPEARING IN THE 1986 OFFICIAL EDITION, HAVE BEEN AFFECTED BY LEGISLATION PASSED BY THE GENERAL COURT SINCE JANUARY FIRST, NINETEEN HUNDRED AND EIGHTY-SEVEN.\*

---

## Chapter 1. — Jurisdiction of the Commonwealth and of the United States.

### Chapter 2. — Arms, Great Seal and Other Emblems of the Commonwealth.

SECT. 6A, paragraph (e ½) and (e ¾) inserted, 1987, 67.

SECT. 29 added, 1987, 129.

### Chapter 3. — The General Court.

SECT. 9 amended, 1987 18; section revised, 1987, 71 § 1. (See 1987, 71 § 9.)

SECT. 43, paragraph inserted after first paragraph, 1987, 567 § 1.

SECT. 44, paragraph added, 1987, 567 § 2.

SECT. 47, paragraph inserted after first paragraph, 1987, 567 § 3

### Chapter 4. — Statutes.

SECT. 7 amended, 1987, 465 § 1; 465 § 1A; clause Fifteenth stricken out, 1987, 522 § 1; section amended, 1987, 587 § 1.

### Chapter 5. — Printing and Distribution of Laws and Public Documents.

### Chapter 6. — The Governor, Lieutenant Governor and Council, Certain Officers under the Governor and Council, and State Library.

SECT. 1 revised, 1987, 71 § 2. (See 1987, 71 § 9.)

SECT. 2 revised, 1987, 71 § 3. (See 1987, 71 § 9.)

SECT. 12HH amended, 1987, 465 § 2.

SECT. 15CCC added, 1987, 1.

SECT. 15DDD added, 1987, 139.

SECT. 15EEE added, 1987, 168.

SECT. 15FFF added, 1987, 606.

---

\*For table showing changes in legislation made during the years 1921 to 1931, inclusive, see Table of Changes contained in pages 485-587 of the Acts and Resolves of 1932. For table showing changes in legislation made during the years 1932 through 1984, inclusive, see Table of Changes contained in the Acts and Resolves of 1984. For table showing changes in legislation made during 1985 and 1986, see Table of Changes contained in the Acts and Resolves of 1986.

SECT. 75 amended, 1987, 465 § 3.

SECTS. 102-104 repealed, 1987, 697 § 1.

SECT. 115A amended, 1987, 15 § 2. (See 1987, 15 § 6.)

SECT. 125, third paragraph, first sentence revised, 1987, 465 § 4.

SECT. 172, first paragraph, sentence added, 1987, 321.

SECT. 181 amended, 1987, 553 § 1.

SECTS. 202-203 added, 1987, 729 § 1.

#### **Chapter 6A. — Executive Offices.**

SECT. 8 revised, 1987, 525 § 1.

SECT. 17, first paragraph revised, 1987, 525 § 1A. (See 1987, 525 § 88.)

SECT. 17A repealed, 1987, 525 § 2.)

SECT. 19 amended, 1987, 584 § 1.

#### **Chapter 7. — Executive Office for Administration and Finance (former title, Commission on Administration and Finance).**

SECT. 4B, second sentence stricken out, two sentences inserted, 1987, 465 § 5.

SECT. 4G amended, 1987, 199 § 133; first paragraph revised, 1987, 549 § 1. (See 1987, 199 § 156; 1987 549 § 10.)

SECT. 14B added, 1987, 611 § 1.

SECT. 22B, sentence added, 1987, 152.

SECT. 38, first paragraph, last sentence stricken out and two sentences inserted, 1987, 445.

SECT. 40C, fourth paragraph, first sentence revised, 1987, 465 § 6.

SECT. 40E, first paragraph revised, 1987, 564 § 51. (See 1987, 564 § 46.)

SECT. 40F ½, subsection (a), ninth paragraph revised, 1987, 157 § 1.

SECT. 40H, third paragraph revised, 1987, 157 § 2.

SECT. 50, paragraph added, 1987, 697 § 2.

#### **Chapter 7A. — OFFICE OF THE COMPTROLLER.**

#### **Chapter 8. — State Superintendent of Buildings; and State House.**

SECT. 9, sentence added, 1987, 682 § 1. (See 1987, 682 § 3.)

#### **Chapter 9. — Department of the State Secretary.**

SECT. 1, third sentence revised, 1987, 71 § 4. (See 1987, 71 § 9.)

SECT. 2, sentence inserted after first sentence, 1987, 457.

#### **Chapter 10. — Department of the State Treasurer.**

SECT. 1, second sentence revised, 1987, 71 § 5. (See 1987, 71 § 9.)

SECT. 17, second sentence stricken out, 1987, 465 § 7.

SECT. 35 amended, 1987, 737 § 1.

SECT. 35H added, 1987, 549 § 1A.

SECT. 35H added, 1987, 697 § 3.

SECT. 49, first paragraph amended, 1987, 199 § 134. (See 1987, 199 § 156.)



SECT. 50 added, 1987, 729 § 2.

**Chapter 11. — Department of the State Auditor.**

SECT. 1, second sentence revised, 1987, 71 § 6. (See 1987, 71 § 9.)

SECT. 12, tenth sentence revised, 1987, 63.

**Chapter 12. — Department of the Attorney General, and the District Attorneys.**

SECT. 1, second sentence revised, 1987, 71 § 7. (See 1987, 71 § 9.)

SECT. 14 stricken out, 1987, 723 § 1. (See 1987, 723 § 5.)

SECT. 15 revised, 1987, 723 § 2. (See 1987, 723 § 5.)

SECT. 16 revised, 1987, 723 § 3. (See 1987, 723 § 5.)

**Chapter 12A. — OFFICE OF INSPECTOR GENERAL.**

SECT. 1, definition of "Supplies" revised, 1987, 654 § 1.

SECT. 7 amended, 1987, 654 § 2.

SECT. 8 revised, 1987, 654 § 3.

SECT. 9, first four paragraphs revised, 1987, 654 § 4.

SECT. 14, paragraph (a) revised, 1987, 654 § 5.

**Chapter 13. — Department of Civil Service and Registration.**

SECT. 13 amended, 1987, 534.

SECT. 32 amended, 1987, 764 § 1; second, third, and fourth sentences revised, 1987, 764 § 2.

SECT. 58 amended, 1987, 549 § 2. (See 1987, 549 § 10.)

SECTS. 76-79 revised, 1987, 734 § 1.

SECTS. 88-90 added, 1987, 521 § 1.

**Chapter 14. — Department of revenue.**

SECTS. 1 stricken out and sections 1 and 1A inserted, 1987, 490 § 1.

**Chapter 15. — Department of Education.**

SECT. 1G, thirty-fourth paragraph, third sentence revised, 1987, 727 § 1. (See 1987, 727 § 15.)

SECT. 1I, fourth paragraph, sentence added, 1987, 303 § 36. (See 1987, 303 § 41.)

SECT. 1M amended, 1987, 80 § 1.

SECT. 1N, last sentence revised, 1987, 80 § 2.

SECT. 11, fourth paragraph, sentence added, 1987, 303 § 36. (See 1987, 303 § 41.)

SECT. 16 amended, 1987, 697 § 4.

SECT. 18A revised, 1987, 537.

SECT. 49, second and third paragraphs revised, 1987, 143 § 1; paragraph added, 1987, 727 § 2. (See 1987, 727 § 15.)

SECTS. 49A-49E added, 1987, 727 § 3. (See 1987, 727 § 15.)

SECT. 50, fourth paragraph, sentence added, 1987, 64.

SECT. 51 revised, 1987, 727 § 4. (See 1987, 727 § 15.)

SECT. 52, second paragraph, sentence inserted after second sentence, 1987, 727 § 5. (See 1987, 727 § 15.)

SECT. 55 revised, 1987, 727 § 6. (See 1987, 727 § 15.)

SECT. 55A added, 1987, 727 § 6. (See 1987, 727 § 15.)

SECT. 59, paragraph added, 1987, 727 § 7. (See 1987, 727 § 15.)

SECT. 62 added, 1987, 143 § 2.

SECTS. 63-65 added, 1987, 727 § 8. (See 1987, 727 § 15.)

#### **Chapter 15A. — BOARD OF REGENTS OF HIGHER EDUCATION.**

SECT. 2, fifth paragraph, first sentence revised, 1987, 472 § 1.

SECT. 4, first two paragraphs revised, 1987, 279.

SECT. 5 amended, 1987, 465 § 8.

SECT. 5A revised, 1987, 368 § 1.

SECT. 9, first sentence stricken out and eight sentences inserted, 1987, 739 § 1; first paragraph ninth sentence revised, 1987, 472 § 2.

SECT. 16A added, 1987, 759 § 1.

SECTS. 20-21 added, 1987, 727 § 9. (See 1987, 727 § 15.)

#### **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.**

SECTS. 18-21 revised, 1987, 584 § 1A.

SECT. 24A revised, 1987, 584 § 2. (See 1987, 584 § 50.)

#### **Chapter 17. — Department of Public Health.**

#### **Chapter 18. — Department of Public Welfare.**

SECT. 28 amended, 1987, 553 § 2.

#### **Chapter 18A. — Department of Youth Services.**

SECT. 9, first paragraph amended, 1987, 553 § 3.

#### **Chapter 18B. — Department of Social Services.**

SECT. 22 added, 1987, 193.

#### **Chapter 19. — Department of Mental Health (former title, Department of Mental Diseases).**

#### **Chapter 19A. — Department of Elder Affairs.**

SECT. 14, definition "Geriatric evaluation process" stricken out 1987, 566 § 1.

SECT. 15, subsection (a), first sentence revised, 1987, 566 § 2; subsection (d) revised, 1987, 566 § 3; subsection (f) added, 1987, 566 § 4.

SECT. 16, subsection (b), second sentence revised, 1987, 566 § 5.

SECT. 18, subsection (a), fifth paragraph revised, 1987, 566 § 6; subsection (b) revised, 1987, 566 § 7.

SECT. 20, subsection (a), seventh and eighth sentences revised, 1987, 566 § 8; subsection (a), three sentences added, 1987, 566 § 9; subsection (b), fourth, fifth, sixth, seventh sentences stricken out, and six sentences inserted, 1987, 566 § 10.

SECT. 23, subsection (e) added, 1987, 566 § 11.

SECT. 29, first paragraph amended, 1987, 465 § 9.

## **Chapter 19B. — DISABLED PERSONS PROTECTION COMMISSION.**

**New chapter inserted, 1986, 655 § 1.**

**Chapter 19B stricken out and Chapter 19C inserted, 1987, 465 § 11.**

### **Chapter 19B — DEPARTMENT OF MENTAL RETARDATION.**

**New chapter inserted, 1986, 599 § 9. (See 1986, 599 § 62.)**

SECT. 15 amended, 1987, 465 § 10.

SECT. 17, two paragraphs added, 1987, 633.

## **Chapter 19C — DISABLED PERSONS PROTECTION COMMISSION.**

**New chapter inserted, 1987, 465 § 11.**

### **Chapter 20. — DEPARTMENT OF FOOD AND AGRICULTURE.**

#### **Chapter 21. — DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.**

SECT. 1 amended, 1987, 584 § 2A.

SECT. 42, first paragraph amended, 1987, 174 § 1.

SECT. 50, last paragraph stricken out, 1987, 174 § 2.

SECT. 50A, fifth sentence stricken out, 1987, 174 § 3.

#### **Chapter 21A. — Executive Office of Environmental Affairs.**

SECT. 8 amended, 1987, 584 § 2B.

SECT. 13, first sentence stricken out and two sentences inserted, 1987, 174 § 4.

SECT. 14, first paragraph, last sentence revised, 1987, 174 § 5.

SECT. 17 added, 1987, 773 § 1.

#### **Chapter 21B. — Mining Regulation and Reclamation**

#### **Chapter 21C. — Massachusetts Hazardous Waste Management Act**

SECT. 15, definition "Covered claim" amended, 1987, 642 § 1.

SECT. 19 amended, 1987, 642 § 2.

**Chapter 21D. — Massachusetts Hazardous Waste Facility Siting Act.**

**Chapter 21E.—MASSACHUSETTS OIL AND HAZARDOUS  
MATERIAL RELEASE PREVENTION  
AND RESPONSE ACT**

SECT. 2, after definition of “Respond” inserted, 1987, 642 § 2A.

SECT. 3A amended, 1987, 465 § 12.

SECT. 8 sentence inserted after first sentence, 1987, 195.

SECTS. 16-18 added, 1987, 642 § 2B.

**Chapter 21F — Coastal Facilities Improvement.**

SECT. 2, definition of “Harbor plan” inserted, 1987, 768 § 1.

SECT. 4, first paragraph revised, 1987, 768 § 2.

**Chapter 21G. — MASSACHUSETTS WATER MANAGEMENT ACT.**

SECT. 14, fourth paragraph amended, 1987, 174 § 6.

**Chapter 21H. — SOLID WASTE FACILITIES.**

New chapter added, 1987, 584 § 3.

**Chapter 22. — Department of Public Safety.**

SECT. 9A, first paragraph, sentence added, 1987, 697 § 5.

SECT. 9U added, 1987, 93 § 1. (See 1987, 93 § 3.)

SECT. 10A, first paragraph, first three sentences revised, 1987, 616 § 1.

**Chapter 22A. — CENTRAL REGISTER FOR MISSING CHILDREN.**

**Chapter 22B. — CAPITOL POLICE**

**Chapter 23. — Department of Labor and Industries.**

SECT. 6 revised, 1987, 544 § 1.

**Chapter 23A. — Department of Commerce and Development  
(former title, Department of Commerce).**

SECT. 1 revised, 1987, 525 § 3. (See 1987, 525 § 88.)

SECT. 2 revised, 1987, 525 § 4. (See 1987, 525 § 88.)

SECT. 3 revised, 1987, 525 § 5. (See 1987, 525 § 88.)

SECT. 4 revised, 1987, 525 § 6. (See 1987, 525 § 88.)

SECT. 4A repealed, 1987, 525 § 7. (See 1987, 525 § 88.)

SECT. 5 revised, 1987, 525 § 8. (See 1987, 525 § 88.)

SECT. 6 revised, 1987, 525 § 9. (See 1987, 525 § 88.)

SECT. 7 revised, 1987, 525 § 10. (See 1987, 525 § 88.)

SECT. 8 revised, 1987, 525 § 11. (See 1987, 525 § 88.)

SECT. 9 revised, 1987, 525 § 12. (See 1987, 525 § 88.)

SECT. 13 revised, 1987, 525 § 13. (See 1987, 525 § 88.)

SECTS. 13A-13E added, 1987, 525 § 13. (See 1987, 525 § 88.)

SECT. 14 revised, 1987, 525 § 14. (See 1987, 525 § 88.)

SECT. 15 revised, 1987, 525 § 15. (See 1987, 525 § 88.)

SECT. 16 revised, 1987, 525 § 16. (See 1987, 525 § 88.)

SECT. 17 revised, 1987, 525 § 17. (See 1987, 525 § 88.)

SECT. 18 revised, 1987, 525 § 18. (See 1987, 525 § 88.)

SECT. 19 revised, 1987, 525 § 19. (See 1987, 525 § 88.)

SECT. 20 revised, 1987, 525 § 20. (See 1987, 525 § 88.)

SECT. 21 revised, 1987, 525 § 21. (See 1987, 525 § 88.)

SECT. 22 revised, 1987, 525 § 22. (See 1987, 525 § 88.)

SECT. 23 revised, 1987, 525 § 23. (See 1987, 525 § 88.)

SECT. 23A added, 1987, 525 § 23. (See 1987, 525 § 88.)

SECT. 24 revised, 1987, 525 § 24. (See 1987, 525 § 88.)

SECT. 25 revised, 1987, 525 § 25. (See 1987, 525 § 88.)

SECT. 26 revised, 1987, 525 § 26. (See 1987, 525 § 88.)

SECT. 27 revised, 1987, 525 § 27. (See 1987, 525 § 88.)

SECT. 28 revised, 1987, 525 § 28. (See 1987, 525 § 88.)

SECT. 29, paragraph inserted after seventh paragraph, 1987, 342 § 1; paragraph added, 1987, 769 § 1.

SECT. 30 revised, 1987, 342 § 2; subsection (a), second paragraph revised, 1987, 769 § 2; subsection (b), definition of "Institution" inserted, 1987, 769 § 3.

SECT. 31, clause (b), first sentence revised, 1987, 342 § 3; clause (b), first sentence revised, 1987, 525 § 29. (See 1987, 525 § 88.)

SECT. 32 revised, 1987, 342 § 4.

SECT. 35 revised, 1987, 342 § 5; paragraph (a), first paragraph, sentence added, 1987, 769 § 4; paragraph (b) amended, 1987, 769 § 5.

SECTS. 39A-39D added, 1987, 525 § 30. (See 1987, 525 § 88.)

SECT. 40 revised, 1987, 525 § 31. (See 1987, 525 § 88.)

SECT. 41 revised, 1987, 525 § 32. (See 1987, 525 § 88.)

SECT. 42 revised, 1987, 525 § 33. (See 1987, 525 § 88.)

SECT. 43 revised, 1987, 525 § 34. (See 1987, 525 § 88.)

SECT. 44 revised, 1987, 525 § 35. (See 1987, 525 § 88.)

SECTS. 46-55 added, 1987, 525 § 36. (See 1987, 525 § 88.)

### **Chapter 23B. — Department of Community Affairs.**

SECT. 11, paragraph (b) revised, 1987, 525 § 37; paragraph (c) revised, 1987, 525 § 38; paragraph (e) revised, 1987, 525 § 39. (See 1987, 525 § 88.)

SECT. 12, first paragraph revised, 1987, 525 § 40. (See 1987, 525 § 88.)

SECT. 15, paragraph (a) revised, 1987, 525 § 41. (See 1987, 525 § 88.)

SECT. 28 added, 1987, 773 § 2.

### **Chapter 23C. — BOARD OF CONCILIATION AND ARBITRATION.**

#### **Chapter 23D. — MASSACHUSETTS INDUSTRIAL SERVICE PROGRAM.**

SECT. 3, third paragraph revised, 1987, 525 § 42. (See 1987, 525 § 88.)

**Chapter 23E. — DEPARTMENT OF INDUSTRIAL ACCIDENTS.**

SECT. 4, first sentence revised, 1987, 691 § 1.

SECT. 7, third sentence revised, 1987, 199 § 135. (See 1987, 199 § 156.)

**Chapter 24. — Department of Industrial Accidents.**

**Chapter repealed, 1953, 314 § 14.**

**Chapter 25. — Department of Public Utilities.**

SECT. 12M, second paragraph stricken out and two paragraphs inserted, 1987, 516 § 1.

**Chapter 25A. — Executive Office Of Energy Resources**

SECT. 11, second paragraph stricken out and two paragraphs inserted, 1987, 670 § 4; fourth paragraph, sentence inserted after second sentence, 1987, 670 § 5; section amended, 1987, 670 § 6.

**Chapter 25B. — MASSACHUSETTS APPLIANCE EFFICIENCY STANDARDS ACT.****Chapter 26. — Department of Banking and Insurance.****Chapter 27. — Department of Correction.**

SECT. 2, second paragraph, sentence added, 1987, 697 § 6.

SECT. 7 added, 1987, 379.

**Chapter 28. — Metropolitan District Commission.****Chapter 28A. — Office for Children.**

SECT. 2, definition of "Child" revised, 1987, 708 § 1; definition of "Commissioner" inserted, 1987, 553 § 4; definition of "Director" stricken out, 1987, 553 § 5.

SECT. 3 revised, 1987, 553 § 6.

SECT. 4 amended, 1987, 690 § 1.

SECT. 6A amended, 1987, 553 § 7.

SECT. 8, second paragraph, paragraph (a), clauses (1) to (4) revised 1987, 553 § 8.

SECT. 9, definition of "After school program" stricken out, 1987, 690 § 2; definition of "School age child care program" inserted, 1987, 690 § 3; section amended, 1987, 708 § 2.

SECT. 10, paragraphs (a) and (b) revised, 1987, 690 § 4; paragraph (c) revised, 1987, 690 § 4A; paragraph (c), after third sentence, sentence inserted, 1987, 773 § 3; paragraph (c), clause (9) revised, 1987, 610 § 1.

SECT. 11 amended, 1987, 690 § 5.

SECT. 12 amended, 1987, 553 § 9; amended, 1987, 690 § 6.

SECT. 13, first sentence revised, 1987, 610 § 2; paragraph added 1987, 610 § 3.

SECT. 14 revised, 1987, 340.

### **Chapter 29. — State Finance.**

SECT. 2J added, 1987, 199 § 136; revised, 1987, 584 § 4. (See 1987, 199 § 156.)

SECT. 5C, paragraph added, 1987, 303 § 9. (See 1987, 303 § 41.)

SECT. 5D added, 1987, 199 § 137. (See 1987, 199 § 156.)

SECT. 6, second paragraph, first sentence revised, 1987, 465 § 13.

SECT. 6B, subsection (f) amended, 1987, 697 § 7.

SECT. 20C added, 1987, 611 § 2.

SECT. 23A added, 1987, 286 § 1.

SECT. 29C added, 1987, 611 § 3.

SECT. 53A, last paragraph revised, 1987, 465 § 14.

### **Chapter 29A. — Financing the Judicial System.**

#### **Chapter 29B. — STATE REVENUE GROWTH CONTROL.**

SECT. 1 amended, 1987, 465 § 15.

#### **Chapter 30. — General Provisions Relative to State Departments, Commissions, Officers and Employees.**

SECT. 39Q, subparagraph (c), paragraph 1, sentence inserted after first sentence, 1987, 240.

### **Chapter 30A. — State Administrative Procedure.**

SECT. 1C added, 1987, 520.

SECT. 3A, second sentence stricken out, 1987, 113 § 1.

SECT. 6 fourth paragraph, second sentence revised, 1987, 113 § 2.

### **Chapter 31. — Civil Service.**

SECT. 33, fourth paragraph, sentence added, 1987, 252; last sentence stricken out and two sentences added, 1987, 517.

SECT. 39, third paragraph revised, 1987, 697 § 8.

SECT. 48, paragraph inserted after antepenultimate paragraph, 1987, 165 § 1; section amended, 1987, 525 § 43. (See 1987, 525 § 88.)

SECT. 57, third paragraph revised, 1987, 764 § 3.

SECT. 61A added, 1987, 697 § 10.

SECT. 61B added, 1987, 697 § 10.

SECT. 64, third paragraph, sentence added, 1987, 697 § 11.

### **Chapter 31A. — MUNICIPAL PERSONNEL SYSTEMS.**

#### **Chapter 32. — Retirement Systems and Pensions.**

SECT. 1, definition of "Actuarial equivalent" revised, 1987, 697 § 12; definition of "Board" revised, 1987, 697 § 13; definition of "Commonwealth funding schedule" inserted, 1987, 697 § 14; definition of "Commonwealth's pension liability" inserted, 1987, 697 § 14; definition of

“Commonwealth’s Pension Liability Fund” inserted, 1987, 697 § 14; definition of “Funding system” inserted, 1987, 697 § 15; definition of “Normal cost” inserted, 1987, 697 § 16; definition of “PRIM board” amended, 1987, 697 § 17; definition of “Regular compensation” amended, 1987, 697 § 18; definition of “Retirement system funding schedule” inserted, 1987, 697 § 19.

SECT. 3 amended, 1987, 572; subdivision (2), paragraph (g), revised, 1987, 697 § 20; subdivision (7), paragraph (b) revised, 1987, 697 § 21; paragraph (d) revised, 1987, 697 § 22; subdivision (8), paragraph (c), two sentences inserted after first sentence, 1987, 697 § 23. (See 1987, 697 § 135.)

SECT. 4, subdivision (1), paragraph (1) amended, 1987, 697 § 24; paragraph (1 ½) inserted, 1987, 697 § 25; paragraph (n) amended, 1987, 697 § 26; paragraph (n ½) inserted, 1987, 697 § 27. paragraph (q) inserted, 1987, 273 § 1; subdivision (3), paragraph (a), sentence added, 1987, 697 § 28.

SECT. 5, subdivision (3), paragraph (e) added, 1987, 697 § 29.

SECT. 5A added, 1987, 697 § 30.

SECT. 6, subdivision (1) first sentence stricken out and five sentences inserted, 1987, 697 § 31; subdivision (3) revised, 1987 697 § 32. (See 1987, 697 § 135.)

SECT. 7, subdivision (2), paragraph (a), clauses (ii) and (iii) revised, 1987, 697 § 33; paragraph (b ½) inserted, 1987, 697 § 34; subdivision (3), paragraph (a) revised, 1987, 697 § 35; subdivision (4), paragraph (b), third sentence revised, 1987, 697 § 36. (See 1987, 697 § 135.)

SECT. 8, subdivision (1) revised, 1987, 697 § 37; subdivision (2), paragraph (b), second sentence stricken out and two sentences inserted, 1987, 697 § 38; subdivision (3) revised, 1987, 697 § 39; subdivision (4) added, 1987, 697 § 40.

SECT. 11, subdivision (3) amended, 1987, 697 § 41.

SECT. 12, subdivision (2), Option (c), first paragraph revised, 1987, 697 42; second paragraph, second and third sentences revised, 1987, 697 § 43; Option (d), eighth paragraph revised, 1987, 697 § 44. (See 1987, 697 § 135.)

SECT. 14, subdivision (1) amended, 1987, 697 § 45. (See 1987, 697 § 135.)

SECT. 14A added, 1987, 697 § 46.

SECT. 15, subdivision (4) inserted, 1987, 697 § 47. (See 1987, 697 § 135.)

SECT. 16, subdivision (4) revised, 1987, 697 § 48.

SECT. 18, subdivision (1A) inserted, 1987, 697 § 49.

SECT. 20, subdivision (3), paragraph (b), second and third sentences revised, 1987, 697 § 50; subdivision (5) amended, 1987, 697 § 51; paragraph (g), four sentences added, 1987, 697 § 52; paragraph (h), second sentence revised, 1987, 697 § 53; paragraph (i), first and second sentences stricken out and six sentences inserted, 1987, 697 § 54; paragraph (k) added, 1987, 697 § 55.

SECT. 20B, definition of “Indemnification” inserted, 1987, 697 § 56.



SECT. 21, subdivision (1), paragraph (a), first two sentences stricken out and five sentences inserted, 1987, 697 § 57; paragraph (b) revised, 1987, 697 § 58; subdivision (2) amended, 1987, 697 § 59; subdivision (3) revised, 1987, 697 § 60; subdivision (5), paragraphs (b), (c), and (d) revised, 1987, 697 § 61; paragraph (e) inserted, 1987, 697 § 61; subdivision (6) added, 1987, 697 § 62.

SECT. 22, first paragraph, first sentence revised, 1987, 697 § 63; subdivision (1), paragraph (b ½) added, 1987, 697 § 64; paragraph (c), first sentence revised, 1987, 697 § 65; subdivision (2), paragraph (b) revised, 1987, 697 § 66; paragraphs (c) revised, 1987, 697 § 67; subdivision (3), paragraphs (a) and (b) revised, 1987, 697 § 68; paragraph (c) revised, 1987, 697 § 69; paragraph (d) amended, 1987, 697 § 69A; clause (vii) added, 1987, 697 § 69B; subdivision (6A), paragraph (a) revised, 1987, 697 § 70; paragraph (b) revised, 1987, 697 § 71; subdivision (7), introductory paragraph revised, 1987, 697 § 72; paragraphs (a) and (b) revised, 1987, 697 § 73; subdivision (8), paragraphs (a), (b), (c), and (d) revised, 1987, 697 § 73A; paragraph (e) inserted, 1987, 697 § 73A; subdivision (9), third and fourth paragraphs revised, 1987, 697 § 74; subdivision (10) added, 1987, 697 § 75. (See 1987, 697 § 135.)

SECTS. 22C-22D added, 1987, 697 § 76.

SECT. 23, subdivision (2), paragraph (b) amended, 1987, 697 § 77; paragraph (c), sentence inserted after second sentence, 1987, 697 § 78; paragraph (c) amended, 1987, 697 § 79; paragraph (d) revised, 1987, 697 § 80; paragraph (e) amended, 1987, 697 § 81; paragraph (g) revised, 1987, 697 § 82; subdivision (2A), paragraph (a), first sentence revised, 1987, 697 § 83; paragraph (c) stricken out, 1987, 697 § 84; paragraph (e), clause (i) amended, 1987, 697 § 85; clause (vi) revised, 1987, 697 § 86; paragraph (e), clauses (xii), (xii) and (xiii) added, 1987, 697 § 87; paragraph (g), clause (ii) revised, 1987, 697 § 89; paragraph (h) revised, 1987, 697 § 90; paragraph (j) added, 1987, 697 § 91; subdivision (4) added, 1987, 697 § 92;

SECT. 24, subdivision (1), first sentence revised, 1987, 697 § 93.

SECT. 25, subdivision (4) revised, 1987, 697 § 94; subdivision (6) added, 1987, 697 § 95.

SECT. 26, subdivision (2), paragraphs (b) and (c) stricken out and paragraph (b) inserted, 1987, 697 § 96.

SECT. 28, subdivision (4), paragraph (a), fifth sentence revised, 1987, 697 § 97.

SECT. 28F repealed, 1987, 697 § 98. (See 1987, 697 § 135.)

SECT. 58B, first four paragraphs stricken out and five paragraphs inserted, 1987, 697 § 99. (See 1987, 697 § 135.)

SECT. 65C, first paragraph, first and second sentences stricken out and three sentences inserted, 1987, 697 § 100; third paragraph revised, 1987, 697 § 101.

SECT. 65D, paragraph (b), two sentences inserted after first sentence, 1987, 697 § 102; paragraph (c) amended, 1987, 697 § 103; paragraph (d) amended, 1987, 697 § 104; paragraph (e) amended, 1987, 697 § 105; paragraph (i) added, 1987, 697 § 106.

SECT. 90G ½ added, 1987, 697 § 107.

SECT. 90H added, 1987, 415 § 1.

SECT. 91A, amended, 1987, 153; 697 § 107A.

SECT. 94A amended, 1987, 587 § 2.

SECT. 102 amended, 1987, 697 § 108.

**Chapter 32A. — Contributory Group General or Blanket  
Insurance for Persons in the Service of the Commonwealth.**

SECT. 2, paragraph (h) amended, 1987, 575 § 1.

SECT. 4A added, 1987, 199 § 138. (See 1987, 199 § 156.)

SECT. 10A, first paragraph revised, 1987, 697 § 109; amended, 1987, 697 § 110; 697 § 111.

SECT. 10D added, 1987, 303 § 37. (See 1987, 303 § 41.)

SECT. 10E added, 1987, 713.

SECT. 12 amended, 1987, 697 § 112.

SECT. 14, third paragraph revised, 1987, 575 § 2.

SECT. 17 added, 1987, 697 § 113.

**Chapter 32B. — Contributory Group General or Blanket  
Insurance for Persons in the Service of Counties,  
Cities, Towns and Districts, and their Dependents.**

SECT. 2B added, 1987, 246.

SECT. 3, first paragraph, two sentences inserted after third sentence, 1987, 565.

SECT. 5 amended, 1987, 697 § 114.

SECT. 9D ¾ added, 1987, 401.

**Chapter 33. — Militia.**

**Chapter 34. — Counties and County Commissioners.**

SECT. 14A added, 1987, 197.

**Chapter 34A. — COUNTY CHARTER PROCEDURES**

SECT. 3, subsection (B), last sentence revised, 1987, 484 § 1.

SECT. 4, subsection (B), last sentence revised, 1987, 484 § 2.

SECT. 11, subsection (B), second paragraph revised, 1987 484 § 3; subsection (B), last paragraph amended, 1987, 484 § 4.

SECT. 12, subsection (A) amended, 1987, 230 § 1.

SECT. 13, subsection (A) revised, 1987, 484 § 5; subsection (C) added, 1987, 230 § 2.

SECT. 14, third paragraph, paragraph (B) amended 1987, 484 § 6.

SECT. 15 amended, 1987, 484 § 7; subsection (B) amended, 1987, 484 § 8.

SECT. 16, subsection (A) amended, 1987, 484 § 9.

**Chapter 35. — County Treasurers, State Supervision of  
County Accounts and County Finances.**

**Chapter 36. — Registers of Deeds.**

SECT. 24 revised, 1987, 675.

**Chapter 37. — Sheriffs.****Chapter 38. — Medical Examiners.****Chapter 39. — Municipal Government.**

SECT. 6A amended, 1987, 374 § 1. (See 1987, 374 § 3.)

SECT. 23B amended, 1987, 159.

**Chapter 40. — Powers and Duties of Cities and Towns.**

SECT. 4I added, 1987, 400.

SECT. 5, clause (12) amended, 1987, 158.

SECT. 5D, first paragraph, two sentences added, 1987, 697 § 115.

SECT. 8H revised, 1987, 584 § 5.

SECT. 8K added, 1987, 32.

SECT. 21D amended, 1987, 609 § 1; last paragraph revised, 1987, 609 § 2.

SECT. 22A, last paragraph, last sentence revised, 1987, 183.

SECT. 22B amended, 1987, 420.

SECT. 36 amended, 1987, 209.

SECT. 36B, third paragraph revised, 1987, 303 § 38. (See 1987, 303 § 41.)

SECT. 44B amended, 1987, 584 § 6.

SECT. 44K sentence added, 1987, 584 § 7.

SECT. 44L added, 1987, 584 § 8.

SECT. 54, paragraph added, 1987, 584 § 9.

SECT. 55 revised, 1987, 348 § 1.

SECT. 58 added, 1987, 626.

**Chapter 40A. — Zoning Regulations.**

SECT. 1A revised, 1987, 685 § 1.

SECT. 2 repealed, 1987, 685 § 2.

SECT. 3, paragraph inserted after second paragraph, 1987, 191.

SECT. 5 revised, 1987, 685 § 3.

SECT. 7 second paragraph amended, 1987, 481 § 1.

SECT. 9, eighth paragraph stricken out and three paragraphs inserted, 1987, 498 § 1; paragraph added, 1987, 584 § 10.

SECT. 11, fourth paragraph second sentence revised, 1987, 498 § 2.

SECT. 15 revised, 1987, 498 § 3.

SECT. 17, first paragraph amended, 1987, 498 § 4.

**Chapter 40B. — Regional Planning.**

SECT. 3 amended, 1987, 525 § 44. (See 1987, 525 § 88.)

SECT. 9, first sentence revised, 1987, 525 § 45. (See 1987, 525 § 88.)

SECT. 10, first paragraph revised, 1987, 525 § 46. (See 1987, 525 § 88.)

SECT. 11 amended, 1987, 525 § 47. (See 1987, 525 § 88.)

SECT. 13 amended, 1987, 525 § 48. (See 1987, 525 § 88.)

SECT. 24 amended, 1987, 525 § 49. (See 1987, 525 § 88.)

#### **Chapter 40C. — Historic Districts.**

SECT. 3 amended, 1987, 525 § 50.

#### **Chapter 40D. — Industrial Development of Cities and Towns.**

SECT. 2 amended, 1987, 525 § 51. (See 1987, 525 § 88.)

SECT. 6 amended, 1987, 525 § 52. (See 1987, 525 § 88.)

SECT. 10 amended, 1987, 525 § 53. (See 1987, 525 § 88.)

SECT. 12, subdivision (2), clause (k) revised, 1987, 342 § 6.

SECT. 18 amended, 1987, 525 § 54. (See 1987, 525 § 88.)

SECT. 21, paragraph (g), second sentence stricken out and two sentences inserted, 1987, 584 § 11.

#### **Chapter 40E. — Massachusetts Industrial Development Authority.**

SECT. 2 amended, 1987, 525 § 55. (See 1987, 525 § 88.)

SECT. 3 amended, 1987, 525 § 56. (See 1987, 525 § 88.)

SECT. 8 amended, 1987, 525 § 57. (See 1987, 525 § 88.)

#### **Chapter 40F. — The Massachusetts' Community Development Finance Corporation.**

SECT. 1, definition of "Capital participation investments" revised, 1987, 324 § 1; definition of "Costs of a project" revised, 1987, 324 § 1A. (See 1987, 324 § 8.)

SECT. 3, paragraph (i) revised, 1987, 324 § 2. (See 1987, 324 § 8.)

SECT. 4, second paragraph, second sentence stricken out, 1987, 324 § 3; third paragraph stricken out, 1987, 324 § 4. (See 1987, 324 § 8.)

SECT. 4A added, 1987, 324 § 5; first paragraph revised, 1987, 465 § 16. (See 1987, 324 § 8.)

**Chapter repealed, 1987, 324 § 6. (Effective July 1, 1994.) (See 1987, 324 § 8.)**

#### **Chapter 40G. — Massachusetts Technology Development Corporation.**

SECT. 4A repealed, 1987, 697 § 116.

#### **Chapter 40H. — Community Economic Development Assistance Corporation.**

#### **Chapter 40I. — THE BAY STATE SKILLS CORPORATION ACT.**

#### **Chapter 40J — Massachusetts Technology Park Corporation.**

#### **Chapter 40K. — MASSACHUSETTS PRODUCT DEVELOPMENT CORPORATION.**

**Chapter 40L — AGRICULTURAL INCENTIVE AREAS.**

**Chapter 40M.—GOVERNMENTAL UNITS POOLED INSURANCE**

**Chapter 41. — Officers and Employees of Cities,  
Towns and Districts.**

SECT. 10, paragraph added, 1987, 112.

SECT. 19 amended, 1987, 58.

SECT. 39C added, 1987, 378.

SECT. 81P amended, 1987, 122.

SECT. 81U, paragraph added after penultimate paragraph, 1987, 236.

SECT. 98G added, 1987, 93 § 2. (See 1987, 93 § 3.)

SECT. 100G¼ added, 1987, 176.

SECT. 101A added, 1987, 697 § 117.

**Chapter 42. — Boundaries of Cities and Towns.**

**Chapter 43. — City Charters.**

**Chapter 43A. — Standard Form of Representative Town Meeting  
Government.**

**Chapter 43B. — Home Rule Procedures.**

**Chapter 43C. — OPTIONAL FORMS OF MUNICIPAL  
ADMINISTRATION ACT.**

New chapter inserted, 1987, 756.

**Chapter 44. — Municipal Finance.**

SECT. 7, clauses 4A and 4B stricken out, 1987, 584 § 12; clause (18) revised, 1987, 163. clause (24) stricken out, 1987, 584 § 13. (See 1987, 584 § 19.)

SECT. 8 amended, 1987, 525 § 58. clauses 21-24 added, 1987, 584 § 14. (See 1987, 525 § 88; 1987, 584 § 19.)

SECT. 19, paragraph added, 1987, 59.

SECT. 21A, sentence inserted after first sentence, 1987, 585.

SECT. 28C added, 1987, 584 § 15.

SECT. 32, third paragraph, first sentence stricken out and two sentences inserted, 1987, 329 § 1. (See 1987, 329 § 2.)

SECT. 55, last sentence revised, 1987, 257.

SECT. 63 amended, 1987, 456.

**Chapter 44A. — QUALIFIED BOND ACT.**

**Chapter 45. — Public Parks, Playgrounds and the Public Domain.**

**Chapter 46. — Return and Registry of Births, Marriages and  
Death.**

SECT. 9, paragraph added, 1987, 161; revised, 1987, 430 § 1.

**Chapter 47. — Infirmaries.****Chapter 48. — Fires, Fire Departments and Fire Districts.**

SECT. 57I added, 1987, 377.

**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. 28 revised, 1987, 488.

SECT. 42E last sentence revised, 1987, 438 § 1.

**Chapter 52. — Political Committees.**

SECT. 1, first paragraph, third and fourth sentences revised, 1987, 2.

**Chapter 53. — Nominations, Questions to be submitted to  
the Voters, Primaries and Caucuses.**

SECT. 7, paragraph added, 1987, 128.

SECT. 28, two paragraphs added, 1987, 598.

SECT. 34, sixth paragraph revised, 1987, 465 § 17; seventh paragraph, first sentence revised, 1987, 465 § 18.

SECT. 48, fourth, fifth and sixth paragraphs revised, 1987, 438 § 2.

**Chapter 54. — Elections.**

SECT. 2, first paragraph, sentence added, 1987, 115 § 1.

SECT. 6, second paragraph, sentence added, 1987, 115 § 2.

SECT. 24, fourth sentence revised, 1987, 437.

SECT. 43A, third paragraph, last sentence stricken out, 1987, 438 § 3.

SECT. 53, first paragraph amended, 1987, 438 § 4.

SECT. 92, subsection (d), sentence added, 1987, 438 § 5.

SECT. 94, revised, 1987, 431.

SECT. 95, second paragraph, last sentence revised, 1987, 438 § 6.

SECT. 98, sentence added, 1987, 438 § 7.

SECT. 101 repealed, 1987, 438 § 8.

SECT. 135, third paragraph, fourth sentence revised, 1987, 438 § 9.

SECT. 135, amended, 1987, 438 § 10.

**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**

SECT. 6, first paragraph revised, 1987, 519 § 1; paragraph inserted after second paragraph, 1987, 519 § 2.

SECT. 7, two sentences inserted after fourth sentence, 1987, 766; fifth sentence stricken out, 1987, 519 § 3.

**Chapter 55A. — Limited Public Financing of Campaigns for Statewide Elective Office.**

**Chapter 55B. — The State Ballot Law Commission.**

**Chapter 56. — Violations of Elections Laws.**

SECT. 60, added, 1987, 146.

**Chapter 57. — Congressional, Councilor and Senatorial Districts, and Apportionment of Representatives.**

SECTS. 2-3 revised, 1987, 305 § 1. (See 1987, 305 § 4.)

SECT. 4 revised, 1987, 341 § 1; caption revised, 1987, 715 § 1; under caption "Barnstable and Islands", five paragraphs revised, 1987, 715 § 2.

**Chapter 58. — General Provisions relative to Taxation.**

SECT. 9 amended, 1987, 712 § 1.

SECT. 13 amended, 1987, 549 § 2; 584 § 15A. (See 1987, 549 § 10.)

SECT. 18A, first paragraph revised, 1987, 737 § 2.

SECT. 18B, first paragraph, second sentence revised, 1987, 737 § 3.

SECT. 18C, paragraph (a), fourth sentence stricken out and two sentences inserted, 1987, 737 § 4.

SECT. 18E-18F added, 1987, 737 § 5.

**Chapter 58A. — Appellate Tax Board  
(former title, Board of Tax Appeals).**

**Chapter 59. — Assessment of Local Taxes.**

SECT. 5, clause Fifth B inserted, 1987, 499 § 1; first paragraph revised, 1987, 758 § 1; clauses Twenty-fourth and Twenty-fifth stricken out and clause Twenty-fourth inserted, 1987, 758 § 2; clauses Twenty-seventh to Thirty-fourth, inclusive, stricken out, 1987, 758 § 3; clause Forty-first A, third paragraph, first sentence revised, 1987, 758 § 4.

SECT. 5D, first paragraph, third and fourth sentences revised, 1987, 518 § 1.

SECT. 5F, first paragraph, fourth and fifth sentences stricken out and three sentences inserted, 1987, 518 § 2.

SECT. 5G, fourth, fifth, and sixth sentences revised, 1987, 518 § 3; first paragraph amended, 1987, 564 § 52. (See 1987, 564 § 55.)

SECT. 20, first paragraph stricken out and two paragraphs inserted, 1987, 737 § 6.

SECT. 21A ½ added, 1987, 469<sup>5</sup>.

SECT. 21C, paragraph (g) revised, 1987, 229 § 1; paragraph (h) revised, 1987, 229 § 2.

SECT. 23D added, 1987, 463 § 1. (See 1987, 463 § 2.)

SECT. 25 revised, 1987, 712 § 2.

SECT. 38A, first paragraph, three sentences added, 1987, 483 § 1; second paragraph amended, 1987, 483 § 2; 483 § 3.

SECT. 41, two sentences added, 1987, 483 § 4.

SECT. 42 revised, 1987, 483 § 5.

SECT. 57B added, 1987, 402 § 1.

SECT. 58A added, 1987, 376.

SECT. 59, third paragraph revised, 1987, 758 § 5.

### **Chapter 59A. — Classification of Real Property**

#### **Chapter 60. — Collection of Local Taxes.**

SECT. 3A, first sentence revised, 1987, 758 § 6.

SECT. 3C added, 1987, 712 § 3.

SECT. 23 amended, 1987, 248; fourth sentence revised, 1987, 250.

SECT. 23A amended, 1987, 306 § 1. (See 1987, 306 § 3.)

SECT. 23B added, 1987, 306 § 2. (See 1987, 306 § 3.)

SECT. 96 amended, 1987, 522 § 2.

#### **Chapter 60A. — Excise Tax on Registered Motor Vehicles in Lieu of Local Tax.**

#### **Chapter 60B. — Excise on Boats, Ships and Vessels in Lieu of Local Property Tax.**

SECT. 4, paragraph added, 1987, 175.

#### **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. 5 amended, 1987, 89.

SECT. 8 amended, 1987, 95 § 1; 95 § 2; three sentences inserted after third sentence, 1987, 142 § 1; sentence inserted after sixth sentence, 1987, 142 § 2.

#### **Chapter 61A. — Assessment and Taxation of Agricultural and Horticultural Land**

SECT. 14, third sentence revised, 1987, 95 § 3; last sentence revised, 1987, 95 § 4.

#### **Chapter 61B. — Classification and Taxation of Recreational Land**

SECT. 9 amended, 1987, 95 § 5; 95 § 6; three sentences inserted after third sentence, 1987, 142 § 3; sentence inserted after sixth sentence, 1987, 142 § 4.



**Chapter 62. — Taxation of Incomes.**

SECT. 2, subdivision (a), paragraph (1), subparagraph (I) added, 1987, 697 § 118.

SECT. 6, subsection (d) revised, 1987, 677 § 1; 677 § 2; subsection (e) added, 1987, 773 § 4.

**Chapter 62A. — Simplified Method of Computing Individual Income Taxes.**

**Chapter 62B. — Withholding of Taxes on Wages and Declaration of Estimated Income Tax.**

SECT. 1, definition of “Wages” revised, 1987, 697 § 119.

**Chapter 62C. — Administrative Provisions Relative to State Taxation.**

SECT. 21, subsection (b), paragraph (13) added, 1987, 490 § 2.

**Chapter 62D. — SET-OFF DEBT COLLECTION.**

SECT. 1 revised, 1987, 667 § 1.

SECT. 4 revised, 1987, 677 § 2.

SECT. 8, sentence added, 1987, 677 § 3.

SECT. 10 revised, 1987, 677 § 4.

SECT. 11 revised, 1987, 490 § 3.

SECTS. 13-14 added, 1987, 667 § 5.

**Chapter 62E.—WAGE REPORTING SYSTEM.**

SECT. 1 revised, 1987, 490 § 4.

SECT. 3 amended, 1987, 490 § 5. revised, 1987, 667 § 6.

SECT. 4, fourth paragraph revised, 1987, 490 § 6; paragraph added, 1987, 667 § 7.

SECT. 5, paragraph added, 1987, 667 § 8.

SECT. 6 amended, 1987, 490 § 7; 490 § 8.

SECT. 7A added, 1987, 490 § 9.

SECTS. 11-12 added, 1987, 490 § 10.

**Chapter 62F. — Limitation on the Growth of State Tax Revenues.**

**Chapter 63. — Taxation of Corporations.**

SECTS. 31D-31F added, 1987, 736.

SECT. 38F amended, 1987, 525 § 59. (See 1987, 525 § 88.)

**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).**

**Chapter 64B. — Excise upon Charges for Meals served to the  
Public.**

**Chapter 64C. — Cigarette Excise.**

**Chapter 64D. — Excise on Deeds, Instruments and Writings.**

**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. 2 revised, 1987, 581 § 1. (See 1987, 581 § 3.)

**Chapter 64H. — Tax on Retail Sales of  
Certain Tangible Personal Property.**

SECT. 6, paragraph (cc) revised, 1987, 581 § 2; paragraph added, 1987,  
608. (See 1987, 581 § 3.)

**Chapter 64I. — Tax on Storage, Use or Other Consumption of  
Certain Tangible Personal Property.**

**Chapter 64J. — TAXATION OF FUELS USED IN THE PROPULSION  
OF AIRCRAFT.**

**Chapter 65. — Taxation of Legacies and Successions.**

**Chapter 65A. — Taxation of Transfers of Certain Estates.**

**Chapter 65B. — Settlement of Disputes respecting  
the Domicile of Decedents for Death Tax Purposes.**

**Chapter 65C. — Massachusetts Estate Tax.**

**Chapter 66. — Public Records.**

**Chapter 66A. — Fair Information Practices.**

**Chapter 67. — Parishes and Religious Societies.**

**Chapter 68. — Donations and Conveyances for  
Pious and Charitable Uses.**

**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. 36 amended, 1987, 131 § 4A. (See 1987, 131 § 6.)

**Chapter 70. — School Funds and State Aid for Public Schools  
(former title, School Funds and Other State Aid  
for Public Schools).**

**Chapter 70A. — EQUAL EDUCATIONAL OPPORTUNITY GRANTS.**

**Chapter 71. — Public Schools.**

SECT. 2A added, 1987, 641 § 1. (See 1987, 641 § 2.)

SECT. 7A, first paragraph, first sentence stricken out and two sentences inserted, 1987, 767 § 1.

SECT. 14B, clause (f) revised, 1987, 746 § 1. (See 1987, 746 § 8.)

SECT. 16, clause (d) amended, 1987, 103.

SECT. 16B revised, 1987, 580 § 1.

SECT. 16B ½, three sentences inserted after first sentence, 1987, 580 § 2.

SECT. 16C, first paragraph, first sentence stricken out and two sentences inserted, 1987, 767 § 2.

SECT. 16D, subsection (d) added, 1987, 730.

SECT. 37B revised, 1987, 348 § 2.

SECT. 37H, paragraph added, 1987, 285.

SECT. 37L added, 1987, 439.

SECT. 38M, paragraph added, 1987, 164.

SECT. 40, first and second sentences revised, 1987, 727 § 10; paragraph added, 1987, 727 § 11. (See 1987, 727 § 15.)

SECT. 57, paragraph added, 1987, 643 § 1.

**Chapter 71A. — Transitional Bilingual Education.**

**Chapter 71B. — Children With Special Needs.**

**Chapter 72. — School Registers and Returns.**

**Chapter 73. — State Colleges and Community Colleges.  
(Former title, State Teachers Colleges and Community Colleges).**

SECT. 14A repealed, 1987, 199 § 139. (See 1987, 199 § 156.)

**Chapter 74. — Vocational Education.**

SECTS. 1-6 stricken out and nine sections inserted, 1987, 731 § 1.  
SECTS. 7A-7B revised, 1987, 731 § 2.  
SECT. 8, paragraph added, 1987, 731 § 2A.  
SECT. 14B, first two sentences revised, 1987, 731 § 3.  
SECT. 17 revised, 1987, 731 § 4.  
SECT. 18 revised, 1987, 731 § 4A.  
SECTS. 20-22 stricken out and four sections inserted, 1987, 731 § 5.  
SECT. 22D revised, 1987, 731 § 5A.  
SECT. 24 revised, 1987, 731 § 6.  
SECT. 24B added, 1987, 731 § 6A.

**Chapter 75. — University of Massachusetts  
(former title, Massachusetts State College).**

**Chapter 75A. — University of Lowell.**  
(former title, Lowell Technological Institute of Massachusetts).  
SECT. 9 repealed, 1987, 199 § 140. (See 1987, 199 § 156.)

**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.****Chapter 77. — School Offenders and County Training Schools.****Chapter 78. — Libraries.**

SECT. 19A revised, 1987, 478 § 1.  
SECT. 19B, clauses (4)-(7), revised, 1987, 478 § 2.  
SECT. 19C, clause (4) stricken out and clauses (4) and (5) inserted,  
1987, 478 § 3.  
SECT. 19E, clause (6) revised, 1987, 478 § 4.  
SECTS. 19G-19K added, 1987, 478 § 5.  
SECT. 25, paragraph added, 1987, 478 § 6.

**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. 7C amended, 1987, 525 § 60. (See 1987, 525 § 88.)

**Chapter 82. — The Laying Out, Alteration, Relocation and Discontinuance of Public Ways, and Specific Repairs Thereon.**

SECT. 1, two paragraphs added, 1987, 741 § 1.

**Chapter 83. — Sewers, Drains and Sidewalks.**

SECT. 1 amended, 1987, 770 § 24.

SECT. 10 amended, 1987, 174 § 7.

**Chapter 84. — Repair of Ways and Bridges.****Chapter 85. — Regulations and By-Laws relative to Ways and Bridges.**

SECT. 2, clause (6) stricken out and clauses (6) and (7) inserted 1987, 741 § 2.

**Chapter 86. — Boundaries of Highways and Other Public Places, and Encroachments Thereon.****Chapter 87. — Shade Trees.****Chapter 88. — Ferries, Canals and Public Landings.****Chapter 89. — Law of the Road.**

SECT. 4B, second sentence revised, 1987, 390 § 1.

SECT. 5 revised, 1987, 390 § 2.

SECT. 7A, first sentence revised, 1987, 38.

SECT. 9, last paragraph revised, 1987, 90.

**Chapter 90. — Motor Vehicles and Aircraft.**

SECT. 7, paragraph inserted after first paragraph, 1987, 39 § 1. (See 1987, 39 § 2.)

SECT. 7A, second paragraph revised, 1987, 77.

SECT. 7AA, first paragraph stricken out and two paragraphs inserted, 1987, 68.

SECT. 7N amended, 1987, 470.

SECT. 7N ¼ added, 1987, 289 § 1. (See 1987, 289 § 3.)

SECT. 7CC added, 1987, 471.

SECT. 8 amended, 1987, 465 § 19.

SECT. 11, first sentence revised, 1987, 173.

SECT. 14 amended, 1987, 465 § 20.

SECT. 15, last sentence revised, 1987, 501 § 1.

SECT. 20 amended, 1987, 83 § 1.

SECT. 21, first paragraph revised, 1987, 83 § 2.

SECT. 27, second sentence revised, 1987, 399 § 1.

SECT. 29, sentence inserted after second sentence, 1987, 697 § 120.

SECT. 34O, paragraph added, 1987, 189.

**Chapter 90A. — The Highway Safety Act.**

**Chapter 90B. — Motorboats and Other Vessels.**

**Chapter 90C. — Procedure against Violators of Motor Vehicle Laws.**

SECT. 1, definition of “Automobile law violation” revised, 1987, 399 § 2.

SECT. 3, subsection (B), second paragraph revised, 1987 399 § 3.

**Chapter 90D. — Motor Vehicle Certificate of Title.**

**Chapter 90E. — Bikeways.**

SECT. 2 amended, 1987, 465 § 21.

**Chapter 91. — Waterways.**

SECT. 23, sentence inserted after first sentence, 1987, 174 § 8.

SECT. 55 revised, 1987, 174 § 9.

**Chapter 91A. — Port of Boston Commission  
(formerly entitled Port of Boston Authority)**

**Chapter 92. — Metropolitan Sewers,  
Water and Parks.**

**Chapter 92A. — Massachusetts Public  
Building Commission.**

**Chapter 93. — Regulation of Trade and Certain Enterprises.**

SECT. 40A inserted, 1987, 510.

SECT. 51 amended, 1987, 490 § 11.

SECT. 52A, first paragraph, last sentence stricken out, 1987, 490§ 12.

SECT. 66A added, 1987, 317.

SECTS. 68A-68D added, 1987, 327.

SECT. 94 added, 1987, 424.

SECTS. 95-100 added, 1987, 542.

**Chapter 93A. — Regulation of Business Practices for  
Consumers Protection.**

SECT. 1 amended, 1987, 664 § 1.

SECT. 4, first paragraph, sentence added, 1987, 664 § 2.

SECT. 9, subsection (3), sentence added, 1987, 664 § 3.

**Chapter 93B. — Regulation of Business Practices Between  
Motor Vehicle Manufacturers, Distributors and Dealers.**

**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. 10A revised, 1987, 594 § 1.

SECT. 10D ½ added, 1987, 594 § 2.

SECT. 10E revised, 1987, 594 § 3.

SECT. 10E ½ added, 1987, 594 § 4.

SECT. 10F amended, 1987, 594 § 5.

SECT. 12, first paragraph revised, 1987, 446.

SECTS. 152A-153 stricken out and two sections inserted, 1987, 703.

SECT. 181 amended, 1987, 15 § 3. (See 1987, 15 § 6.)

SECTS. 184B-184E revised, 1987, 15 § 4. (See 1987, 15 § 6.)

SECT. 305C revised, 1987, 757 § 1.

SECT. 305E added, 1987, 757 § 2.

**Chapter 94A. — Milk Control.**

**Chapter 94B. — Hazardous Substances.**

**Chapter 94C. — Controlled Substances Act.**

SECT. 18, paragraph (c) revised, 1987, 347.

SECT. 32I, subsection C added, 1987, 211.

**Chapter 95. — Measuring of Leather.**

**Chapter 96. — Measurement of Lumber.**

**Chapter 97. — Surveying of Land.**

**Chapter 98. — Weights and Measures.**

SECT. 12 amended, 1987, 323 § 1; 323 § 2.

SECT. 13 revised, 1987, 323 § 3.

SECT. 56D, last paragraph revised, 1987, 15 § 5. (See 1987, 15 § 6.)

**Chapter 99. — The Metric System of  
Weights and Measures.**

**Chapter 100. — Auctioneers.**

SECT. 10, second paragraph revised, 1987, 375.

**Chapter 101. — Transient Vendors,  
Hawkers and Peddlers.****Chapter 102. — Shipping and Seamen,  
Harbors and Harbor Masters.**

SECT. 19 revised, 1987, 523 § 1. (See 1987, 523 § 3.)

**Chapter 103. — Pilots.**

SECT. 31 revised, 1987, 132 § 1; first paragraph revised, 1987, 132 § 2.  
(See 1987, 132 § 3.)

**Chapter 104. — Agents, Consignees and Factors.****Chapter 104A. — Consignment of Fine Art.****Chapter 105. — Public Warehouses.****Chapter 105A. — SELF-STORAGE FACILITIES.****Chapter 106. — Uniform Commercial Code.****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 109A. — FRAUDULENT TRANSFERS OF REAL AND  
PERSONAL PROPERTY.****Chapter 110. — Labels, Trade Marks, Names and Registration  
thereof.****Chapter 110A. — Uniform Securities Act.****Chapter 110B. — Registration and Protection of Trademarks.**



**Chapter 110C. — Regulation of Take-over Bids in the  
Acquisition of Corporations.**

**Chapter 110D. — REGULATION OF CONTROL SHARE  
ACQUISITIONS.**

**New chapter inserted, 1987, 272 § 1. (See 1987, 272 § 3.)**

**Chapter 110E. — REGULATION OF CONTROL SHARE  
ACQUISITIONS  
OF FOREIGN CORPORATIONS.**

**New chapter inserted, 1987, 272, § 2. (See 1987, 272 § 3.)**

**Chapter 111. — Public Health.**

SECT. 1, definition "Health care provider" revised, 1987, 467 § 1; definition "Medical peer review committee" revised, 1987, 579 § 1.

SECT. 5B repealed, 1987, 549 § 3. (See 1987, 549 § 10.)

SECTS. 5M-5P added, 1987, 549 § 4. (See 1987, 549 § 10.)

SECT. 51D, ten paragraphs inserted after ninth paragraph, 1987, 655.

SECT. 51E added, 1987, 126 § 1.

SECT. 52, definition of "Certified clinical specialist in psychiatric and mental health nursing" inserted, 1987, 126 § 2.

SECT. 70, paragraph added, 1987, 467 § 2.

SECT. 70E, sixth paragraph, clause (i) stricken out, 1987, 480 § 1; paragraph inserted after sixth paragraph, 1987, 480 § 2.

SECT. 71, third paragraph stricken out and six paragraphs inserted, 1987, 669 § 1.

SECT. 72X added, 1987, 759 § 2.

SECT. 87 amended, 1987, 172.

SECT. 111C added, 1987, 696.

SECT. 127G amended, 1987, 755 § 1.

SECT. 142A, third sentence revised, 1987, 174 § 10.

SECT. 142B, fifth paragraph, fifth sentence revised, 1987, 174 § 11.

SECT. 150A, seventh paragraph, second sentence revised, 1987, 174 § 12; first seven paragraphs stricken out and sixteen paragraphs inserted, 1987, 584 § 16.

SECT. 150A ½ added, 1987, 584 § 17.

SECT. 150B, ninth paragraph, second sentence stricken out and two sentences inserted, 1987, 174 § 13.

SECT. 160, first paragraph, last sentence revised, 1987, 174 § 14; second paragraph revised, 1987, 564 § 53; paragraph inserted after first paragraph, 1987, 773 § 5. (See 1987, 564 § 55.)

SECT. 160A, second paragraph revised, 1987, 174 § 15.

SECT. 162, last sentence revised, 1987, 174 § 16.

SECT. 170 revised, 1987, 174 § 17.

SECT. 190, second paragraph, last two sentences revised, 1987, 773 § 6.

SECT. 192A added, 1987, 773 § 7.

SECTS. 193-194 revised, 1987, 773 § 8.

SECT. 194A added, 1987, 773 § 8.

SECTS. 197-199 stricken out and six sections inserted, 1987, 773 § 9.

SECT. 203 revised, 1987, 332.

SECT. 204, paragraphs (a) and (b) revised, 1987, 467 § 3; subsection (c) inserted, 1987, 579 § 2.

SECT. 205 added, 1987, 579 § 3.

SECT. 205 added, 1987, 697 § 121.

#### **Chapter 111A. — Drug Addiction Rehabilitation.**

**Chapter repealed, 1969, 889 § 23A.**

#### **Chapter 111B. — Alcoholism.**

#### **Chapter 111C. — Emergency Medical Care.**

#### **Chapter 111D. — Clinical Laboratories.**

SECT. 8, subsections (15) and (16) added, 1987, 733.

#### **Chapter 111E. — DRUG REHABILITATION.**

#### **Chapter 111F.—HAZARDOUS SUBSTANCES DISCLOSURE BY EMPLOYERS.**

#### **Chapter 111G. — EARLY CHILDHOOD INTERVENTION SERVICES**

#### **Chapter 111H. — MASSACHUSETTS LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT ACT.**

**New chapter added, 1987, 549 § 5. (See 1987, 549 § 10.)**

#### **Chapter 112. — Registration of Certain Professions and Occupations.**

SECT. 5 amended, 1987, 579 § 4.

SECT. 12AA added, 1987, 440 § 1. (See 1987, 440 § 3.)

SECT. 12BB added, 1987, 773 § 10.

SECT. 23P½ added, 1987, 440 § 2. (See 1987, 440 § 3.)

SECT. 27, second sentence revised, 1987, 414.

SECTS. 38 stricken out and sections 38 and 39 inserted, 1987, 349; section revised, 1987, 465 § 22.

SECT. 39 revised, 1987, 465 § 22.

SECT. 52A, sentence inserted after first sentence, 1987, 271.

SECT. 52F added, 1987, 454.

SECT. 61, first sentence revised, 1987, 522 § 3.

SECT. 66A, first paragraph revised, 1987, 643 § 2.

SECT. 67, sentence inserted after third sentence, 1987, 643 § 3.

SECT. 68, first paragraph, second sentence stricken out and two sentences inserted, 1987, 643 § 4; paragraph added, 1987, 643 § 5.

SECT. 68A, second paragraph revised, 1987, 643 § 6.

SECT. 72 revised, 1987, 570.

SECT. 74, first sentence revised, 1987, 692 § 1.

SECT. 80C revised, 1987, 182.

SECT. 80F added, 1987, 692 § 2.

SECTS. 118-129A revised, 1987, 734 § 2.

SECT. 135, paragraph (e) amended, 1987, 398 § 1; clause (f) amended and (g) added, 1987, 566 § 12.

SECTS. 163-172 added, 1987, 521 § 2.

### **Chapter 113. — Promotion of Anatomical Science.**

### **Chapter 114. — Cemeteries and Burials.**

SECT. 45, fifth sentence revised, 1987, 430 § 2.

### **Chapter 115. — Veterans' Benefits (former title, State and Military Aid, Soldiers' Relief, etc.).**

SECT. 2 amended, 1987, 628 § 1.

SECT. 6 amended, 1987, 235; 628 § 2.

SECT. 8 second paragraph amended, 1987, 628 § 3.

### **Chapter 115A. — Soldiers' Homes.**

### **Chapter 116. — Settlement.**

### **Chapter 117. — Support by the Commonwealth (former title, Support by the Cities and Towns).**

SECT. 1, first paragraph, sentence added, 1987, 651; three paragraphs added, 1987, 716 § 2.

### **Chapter 118. — Aid to Families with Dependent Children (former title, Aid to Dependent Children).**

SECT. 2 amended, 1987, 522 § 4.

### **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. 6, three paragraphs added, 1987, 716 § 1.

**Chapter 119. — Protection and Care of Children, and  
Proceedings against Them.**

**Chapter 119A. — CHILD SUPPORT ENFORCEMENT.**

SECT. 1, paragraph inserted before first paragraph, 1987, 490 § 13.

SECT. 2, paragraph added, 1987, 490 § 14.

SECT. 6 revised, 1987, 490 § 15.

SECT. 10, clause (1) revised, 1987, 490 § 16.

SECT. 12, subsection (b), sentence inserted after first sentence, 1987, 490 § 17; last paragraph, last sentence revised, 1987, 465 § 23; section amended, 1987, 465 § 24; subsection (i) last sentence stricken out, 1987, 490 § 18; subsection (j) added, 1987, 490 § 19.

SECT. 13 added, 1987, 714 § 1.

**Chapter 120. — Department of Youth Services and  
Massachusetts Training Schools  
(former title, Youth Service Board and  
Massachusetts Training Schools).**

SECT. 14 revised, 1987, 522 § 5.

**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. 16, second paragraph revised, 1987, 518 § 4.

SECT. 32, sixth paragraph, sentence inserted after seventh sentence, 1987, 78; paragraph added, 1987, 190.

SECT. 34, two sentences added, 1987, 413; three sentences added, 1987, 527 § 1. (See 1987, 527 § 4.)

SECT. 43, fourth paragraph amended, 1987, 612.

**Chapter 121C. — Economic Development and  
Industrial Corporations.**

SECT. 1, paragraph (3) revised, 1987, 525 § 61. (See 1987, 525 § 88.)

SECT. 3 amended, 1987, 525 § 62. (See 1987, 525 § 88.)

SECT. 4 amended, 1987, 525 § 63. (See 1987, 525 § 88.)

SECT. 5 amended, 1987, 525 § 64. (See 1987, 525 § 88.)

SECT. 6 amended, 1987, 525 § 65. (See 1987, 525 § 88.)

SECT. 10 amended, 1987, 525 § 66. (See 1987, 525 § 88.)

**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. 15 amended, 1987, 465 § 24.

SECT. 33, first sentence revised, 1987, 465 § 26.

SECT. 35 amended, 1987, 465 § 27; section revised, 1987, 500.

**Chapter 123A. — Care, Treatment and Rehabilitation of Sexually Dangerous Persons (former title, Care, Treatment and Rehabilitation of Sexual offenders and Victims of such Offenders).**

SECT. 9 , tenth sentence stricken out and two sentences inserted, 1987, 116.

**Chapter 123B. — MENTAL HEALTH.**

SECT. 3, third paragraph, second sentence revised, 1987, 465 § 28.

**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.**

**Chapter 127. — Officers and Inmates of Penal and Reformatory Institutions, Paroles and Pardons.**

SECT. 144 amended, 1987, 114 § 1.

SECT. 145 revised, 1987, 114 § 2.

SECT. 146 amended, 1987, 114 § 3; 1987, 465 § 29.

**Chapter 128. — Agriculture.**

SECT. 1A amended, 1987, 253.

**Chapter 128A. — Horse and Dog Racing Meetings.**

SECT. 2, three paragraphs added, 1987, 680 § 1.

SECT. 3, eight paragraphs inserted before last paragraph, 1987, 680 § 2.

SECT. 5, paragraph inserted after third paragraph, 1987, 680 § 3.

SECT. 11B revised, 1987, 680 § 4.

SECTS. 17-31 added, 1987, 680 § 5.

**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 amended, 1987, 543.

**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. 2, third paragraph revised, 1987, 220 § 1.

SECT. 44 revised, 1987, 577.

SECT. 44A added, 1987, 577.

SECT. 74 revised, 1987, 709 § 1.

SECT. 74A revised, 1987, 709 § 2.

SECT. 75, two sentences inserted after second sentence, 1987, 220 § 2; second paragraph revised, 1987, 220 § 3; section amended, 1987, 709 § 3.

SECT. 76 revised, 1987, 709 § 4.

SECT. 77 amended, 1987, 709 § 5.

SECT. 80 amended, 1987, 709 § 6; fifth paragraph revised, 1987, 709 § 7; last paragraph, last sentence revised, 1987, 220 § 4;

SECT. 81, first paragraph amended, 1987, 220 § 5; second paragraph, first sentence revised, 1987, 220 § 6.

SECT. 82, last sentence revised, 1987, 220 § 7.

SECT. 105, third paragraph, third sentence stricken out and two sentences inserted, 1987, 174 § 18.

**Chapter 131. — Inland Fisheries and Game and Other Natural Resources (former title, Powers and Duties of the Division of Fisheries and Game).**

SECT. 12 amended, 1987, 525 § 67. (See 1987, 525 § 88.)

SECT. 40, last paragraph revised, 1987, 174 § 19; section amended, 1987, 465 § 30.

SECT. 40A, fifth paragraph, two sentences added, 1987, 174 § 20.

SECT. 90, fifth paragraph stricken out, 1987, 174 § 21.

**Chapter 132. — Forestry.**

**Chapter 132A. — State Recreation Areas outside of the Metropolitan Parks District (former title, State Parks and Reservations outside of the Metropolitan Parks District).**

**Chapter 132B. — Massachusetts Pesticide Control Act.**

SECT. 14, first three paragraphs revised, 1987, 174 § 22.

**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. 6, clause (51) added, 1987, 162.

**Chapter 137. — Gaming.**

**Chapter 138. — Alcoholic Liquors (old title, Intoxicating Liquors and  
Certain Non-Intoxicating Beverages).**

- SECT. 2, second sentence revised, 1987, 496 § 1.
- SECT. 12, sixth paragraph, first sentence revised, 1987, 147 § 1.
- SECT. 15, two sentences inserted after third sentence, 1987, 496§ 2.
- SECT. 19B amended, 1987, 465 § 31.
- SECT. 21, third paragraph, paragraph (a) revised, 1987, 697 § 122.
- SECT. 69 revised, 1987, 754.

**Chapter 139. — Common Nuisances.**

**Chapter 140. — Licenses.**

- SECT. 30, paragraph added, 1987, 743.
- SECT. 32R, second paragraph, fourth sentence revised, 1987 465 §32.
- SECT. 58, definition of Class 2 revised, 1987, 289 § 2. (See 1987, 289 § 4.)
- SECT. 96, third paragraph revised, 1987, 186.
- SECT. 114C added, 1987, 595 § 1.
- SECT. 121A revised, 1987, 300.
- SECT. 123, paragraph added, 1987, 249.
- SECT. 131 amended, 1987, 465 § 33.
- SECT. 136A, definition of "Shelter" added, 1987, 331 § 1. (See 1987, 331 § 3.)
- SECT. 137 amended, 1987, 118.
- SECT. 139A added, 1987, 331 § 2. (See 1987, 331 § 3.)
- SECT. 141 amended, 1987, 404.
- SECT. 205A, eighth paragraph revised, 1987, 419.

**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. 10, subsection (a), sentence added, 1987, 573.
- SECT. 15A added, 1987, 595 § 2.

**Chapter 140E. — CONSUMER ACCOUNT DISCLOSURE.**

**Chapter 141. — Supervision of Electricians.**

- SECT.1 revised, 1987, 764 § 4.
- SECT. 1A added, 1987, 764 § 4.
- SECT. 3 revised, 1987, 764 § 5.

SECT. 5, paragraph added, 1987, 764 § 6;  
SECTION 6, amended, 1987, 764 § 7.  
SECT. 7 revised, 1987, 764 § 8.  
SECT. 8 amended, 1987, 764 § 9.  
SECT. 9 revised, 1987, 764 § 10.

**Chapter 142. — Supervision of Plumbing.**

SECT. 21 revised, 1987, 356.  
SECT. 21A added, 1987, 354.

**Chapter 143. — Inspection and Regulation of, and Licenses for,  
Buildings, Elevators and Cinematographs.**

SECT. 60, last sentence revised, 1987, 481 § 2.  
SECT. 71O, second paragraph, two sentences inserted after fourth sentence, 1987, 287.

**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. 81 revised, 1987, 616 § 2.  
SECT. 82 revised, 1987, 616 § 3.  
SECT. 83, first paragraph, first sentence revised, 1987, 616 § 4; paragraph added, 1987, 616 § 5.  
SECT. 84 revised, 1987, 616 § 6.  
SECT. 85 amended, 1987, 616 § 7.  
SECT. 85A added, 1987, 616 § 8.

**Chapter 147. — State and Other Police, and Certain Power and  
Duties of the Department of Public Safety.**

SECTS. 57-61 added, 1987, 764 § 11.

**Chapter 148. — Fire Prevention.**

SECT. 26A ½, fourth paragraph revised, 1987, 465 § 34.  
SECT. 28, clause (2) revised, 1987, 632.

**Chapter 149. — Labor and Industries.**

SECT. 6 amended, 1987, 559 § 1.  
SECT. 16 amended, 1987, 559 § 2.  
SECT. 18I amended, 1987, 559 § 3.  
SECT. 20D amended, 1987, 559 § 4.  
SECT. 21 amended, 1987, 559 § 5.  
SECT. 22A amended, 1987, 559 § 6.  
SECT. 23 amended, 1987, 559 § 7.



SECT. 23A amended, 1987, 559 § 8.

SECT. 27, paragraph added, 1987, 284 § 1; section amended, 1987, 559 § 9.

SECT. 27A revised, 1987, 544 § 2.

SECT. 27C, sentence inserted after first sentence, 1987, 284 § 2; first sentence revised, 1987, 559 § 10.

SECT. 27F amended, 1987, 559 § 11.

SECT. 27H added, 1987, 762.

SECT. 44C, paragraph (a), subsection (3), clause (v) revised, 1987, 691 § 2.

SECT. 45 amended, 1987, 559 § 12.

SECT. 47 amended, 1987, 559 § 13.

SECT. 48 amended, 1987, 559 § 14.

SECT. 50A amended, 1987, 559 § 15.

SECT. 52 amended, 1987, 559 § 16.

SECT. 52C, definition of "Employee" revised, 1987, 686.

SECT. 54 amended, 1987, 559 § 17.

SECT. 69 revised, 1987, 313.

SECT. 100 amended, 1987, 559 § 18.

SECT. 103 amended, 1987, 559 § 19.

SECT. 112 amended, 1987, 559 § 20.

SECT. 113, sentence added, 1987, 188.

SECT. 115 amended, 1987, 559 § 21.

SECT. 125 amended, 1987, 559 § 22.

SECT. 126 amended, 1987, 559 § 23.

SECT. 129B amended, 1987, 559 § 24.

SECT. 129C amended, 1987, 559 § 25; 559 § 26.

SECT. 142F amended, 1987, 559 § 27.

SECT. 147G amended, 1987, 559 § 28.

SECT. 148 amended, 1987, 559 § 29.

SECT. 150B amended, 1987, 559 § 30.

SECT. 150C added, 1987, 635.

SECT. 159A amended, 1987, 559 § 31.

SECT. 180 amended, 1987, 559 § 32.

## **Chapter 150. — Conciliation and Arbitration of Industrial Disputes.**

### **Chapter 150A. — Labor Relations.**

#### **Chapter 150B. — Peaceful Settlement of Industrial Disputes Dangerous to 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. 7, paragraph (d), clause (b ½) inserted, 1987, 40.

SECT. 11, fourth paragraph, sentenced added, 1987, 412.

**Chapter 151. — Minimum Fair Wages (former title, Minimum Fair Wages for Women and Minors).**

**Chapter 151A. — Employment Security (former title, Unemployment Compensation).**

SECT. 25, subsection (e) last paragraph revised, 1987, 473 § 1; paragraph added, 1987, 663 § 1. (See 1987, 473 § 4.)

SECT. 29 amended, 1987 465 § 35; 1987, 465 § 36. (See 1987, 465 § 75; 465 § 76.)

SECT. 29D added, 1987, 663 § 2; repealed, 1987, 663 § 3; (See 1987, 663 § 4.)

SECT. 71A, definition of "Advance notification" revised, 1987, 199 § 141; 465 § 37. (See 1987, 199 § 156.)

**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 revised, 1987, 473 § 2.

SECT. 4, subsection 6, last sentence revised, 1987, 270 § 1; subsection 7, last sentence revised, 1987, 270 § 2; paragraph 11, sentence inserted after first sentence, 1987, 773 § 11.

SECT. 6 amended, 1987, 465 § 38.

**Chapter 151C. — Fair Education Practices.**

**Chapter 151D. — Health, Welfare and Retirement Funds.**

SECT. 1 amended, 1987, 465 § 39.

**Chapter 151E. — Prohibition of Certain Discrimination by Business.**

**Chapter 152. — Workmen's Compensation.**

SECT. 7F added, 1987, 691 § 3.

SECT. 8, subsection (6) added, 1987, 691 § 4.

SECT. 10 revised, 1987, 691 § 5.

SECT. 10A revised, 1987, 691 § 6.

SECT. 11A repealed, 1987, 465 § 40. (See 1957, 697 § 3.)

SECT. 11A, paragraph (1) revised, 1987, 465 § 41.

SECT. 11C, first sentence stricken out, two sentences inserted, 1987, 691 § 7.

SECT. 13A revised, 1987, 691 § 8.

SECT. 19 revised, 1987, 691 § 9.

SECT. 25C revised, 1987, 691 § 10.

SECT. 29, first sentence revised, 1987, 691 § 11. (See 1987, 691 § 19.)

SECT. 35A, second paragraph revised, 1987, 465 § 42.

SECT. 39 amended, 1987, 522 § 6.

SECT. 48, subsection (2), first paragraph revised, 1987, 691 § 12.

SECT. 52 repealed, 1987, 691 § 13.

SECT. 53A, subsection (11) added, 1987, 691 § 14.

SECT. 65, subsection (13) added, 1987, 691 § 15.

**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. 12, subsection (a), clauses (4) and (5) revised, 1987, 281 § 1; clause (6) stricken out, 1987, 281 § 1.

SECT. 13, subsection (b) revised, 1987, 281 § 2.

**Chapter 156B. — Certain Business Corporations.**

SECT. 13, paragraph (a), clause (5) revised, 1987, 282 § 1.

SECT. 18 amended, 1987, 282 § 2.

SECT. 26 revised, 1987, 282 § 3. (See 1987, 282 § 5.)

SECT. 27, subsection (a) revised, 1987, 247.

SECT. 38A added, 1987, 282 § 4.

SECT. 102 amended, 1987, 206.

**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. 19E, last paragraph revised, 1987, 465 § 43.

SECT. 93, two sentences added, 1987, 501 § 2.

**Chapter 159A. — Common Carriers of Passengers by Motor Vehicle.**

**Chapter 159B. — Carriers of Property by Motor Vehicle.**

**Chapter 160. — Railroads.**

SECT. 218 revised, 1987, 501 § 3.

SECT. 220 revised, 1987, 501 § 4.

**Chapter 161. — Street Railways.**

**Chapter 161A. — Massachusetts Bay Transportation Authority.**

**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.**

**Chapter 162. — Electric Railroads.**

**Chapter 163. — Trackless Trolley Companies.**

**Chapter 164. — Manufacture and Sale of Gas and Electricity.**

**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.**

**Chapter 166A. — Community Antenna Television Systems.**

**Chapter 167. — Supervision Of Banks.**

SECT. 16 repealed, 1987, 296 § 1.

SECT. 17 revised, 1987, 296 § 2.

SECT. 38 revised, 1987, 569 § 1. (See 1987, 569 § 4.)

SECT. 39 revised, 1987, 569 § 2. (See 1987, 569 § 4.)

SECT. 40 amended, 1987, 296 § 3.

**Chapter 167A. — Bank Holding Companies.**

SECT. 2, second paragraph, last sentence stricken out and two sentences inserted, 1987, 569 § 3. (See 1987, 569 § 4.)

**Chapter 167B. — ELECTRONIC BRANCHES AND ELECTRONIC FUND TRANSFERS.**

**Chapter 167C. — BANK LOCATIONS.**

SECT. 3, fifth paragraph stricken out, 1987, 486.

**Chapter 167D. — DEPOSITS AND ACCOUNTS.**

SECT. 4, subsection 2 revised, 1987, 485 § 1.

**Chapter 167E. — MORTGAGES AND LOANS.**

SECT. 2, subsection B, paragraph 11, first paragraph revised, 1987, 552.

SECT. 6, paragraph 9, first paragraph revised, 1987, 145. paragraph 15 added, 1987, 316.

SECT. 13 revised, 1987, 314.

**Chapter 167F. — INVESTMENTS AND OTHER POWERS.**

SECT. 2, paragraph 7A inserted, 1987, 596.

**Chapter 167G. — TRUST DEPARTMENT.**

SECT. 3, subsection 10A inserted, 1987, 259.

**Chapter 167H. —MUTUAL HOLDING COMPANIES**

**New chapter added, 1987, 630.**

**Chapter 168. — Savings Banks.**

SECT. 10, paragraph 4, last sentence revised, 1987, 239 § 1.

SECT. 20, second paragraph revised, 1987, 296 § 4.

SECT. 21 amended, 1987, 239 § 2.

SECT. 22 amended, 1987, 239 § 3.

SECT. 27, second paragraph stricken out, 1987, 258 § 1.

SECT. 34B, second paragraph, paragraph 6, paragraph inserted after third paragraph, 1987, 34 § 1.

SECT. 34D, paragraph inserted after second paragraph, 1987, 34 § 2.

SECTS. 42-44 added, 1987, 593.

**Chapter 169. — Deposits with Others than Banks.**

**Chapter 170. — Co-operative Banks.**

SECT. 9, second sentence revised, 1987, 141.

SECT. 13 amended, 1987, 239 § 4.

SECT. 16 amended, 1987, 239 § 5.

SECT. 18, first sentence revised, 1987, 244.

SECT. 19, first paragraph revised, 1987, 140; third paragraph revised, 1987, 296 § 5.

SECT. 20, paragraph (a), third sentence revised, 1987, 485 § 2.

SECT. 21, paragraph (2) stricken out, 1987, 258 § 2; section amended, 1987, 258 § 3.

**Chapter 171. — Credit Unions.**

SECT. 4, first sentence revised, 1987, 297.

SECT. 21, second paragraph, paragraph (i) revised, 1987, 239 § 6; paragraph (k) revised, 1987, 239 § 7; paragraph (n) revised, 1987, 239 § 8; paragraphs (v) and (w) added, 1987, 239 § 9.

SECT. 24, subdivision (a), paragraph 3 revised, 1987, 422; subdivision (B), subsection (b), paragraph 8A inserted, 1987, 243; subdivision (D), second sentence revised, 1987, 241 § 1; fifth sentence revised, 1987, 241 § 2; subdivision (H) added, 1987, 242.

SECT. 27A, second paragraph revised, 1987, 296 § 6.

### **Chapter 172. — Trust Companies.**

SECT. 10 repealed, 1987, 239 § 10.

SECT. 17 amended, 1987, 239 § 11.

SECT. 18, third paragraph revised, 1987, 296 § 7.

SECT. 21 amended, 1987, 239 § 12.

SECT. 29 repealed, 1987, 239 § 13.

SECT. 36, subsection A, clause 4, paragraph inserted after second paragraph, 1987, 34 § 3.

### **Chapter 172A. — Banking Companies.**

#### **Chapter 173. — Mortgage Loan Investment Companies.**

#### **Chapter 174. — Bond and Investment Companies.**

#### **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. 9 amended, 1987, 465 § 44.

SECT. 20 second paragraph amended, 1987, 86.

SECT. 30, paragraph (a), clause (4) added, 1987, 634.

SECT. 47C, sentence inserted after fourth sentence, 1987, 773 § 12.

SECT. 47G added, 1987, 363 § 1.

SECT. 47H added, 1987, 394.

SECT. 47I added, 1987, 683 § 1.

SECT. 99C added, 1987, 263.

SECT. 102E added, 1987, 233.

SECT. 108D, last sentence stricken out, 1987, 711 § 1.

SECT. 110, subdivision (L) inserted, 1987, 363 § 2.

SECT. 113A, provision (2)(A), paragraph added, 1987, 255.

SECT. 113O, first paragraph, last sentence stricken out and two sentences inserted, 1987, 44 § 1.

SECT. 174E, first and second paragraphs revised, 1987, 262.

#### **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, fifth paragraph stricken out, 1987, 465 § 45; paragraph inserted after sixth paragraph, 1987, 465 § 46.

**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 175G. — THE POLLUTION LIABILITY REINSURANCE  
CORPORATION.**

**New chapter added, 1987, 650.**

**Chapter 176. — Fraternal Benefit Societies.**

**Chapter 176A. — Non Profit Hospital Service Corporations.**

SECT. 1A, two paragraphs added, 1987, 621 § 1.

SECT. 8A, paragraph (c) revised, 1987, 465 § 47.

SECT. 8B, sentence inserted after fourth sentence, 1987, 773 § 13

SECT. 8J added, 1987, 363 § 3; amended, 1987, 465 § 48.

SECT. 8K added, 1987, 394 § 2.

SECT. 8L added, 1987, 683 § 2.

SECT. 10, paragraph inserted after first paragraph, 1987, 621 § 2.

**Chapter 176B. — Medical Service Corporations.**

SECT. 4, two paragraphs inserted after third paragraph, 1987, 621 § 3;  
paragraph inserted after fifth paragraph, 1987, 621 § 4.

SECT. 4C, sentence inserted after third sentence, 1987, 773 § 14.

SECT. 4G added, 1987, 363 § 4; stricken out, 1987, 465 § 49; stricken  
out, 1987, 394 § 3.

SECT. 4I added, 1987, 394 § 3; 465 § 49.

SECT. 4J added, 1987, 394 § 3.

SECT. 4K added, 1987, 683 § 3.

SECT. 4K added, 1987, 711 § 2.

**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.**

**Chapter 176E. — Dental Service Corporations.**

**Chapter 176F. — Optometric Service Corporations.**

**Chapter 176G. — Health Maintenance Organizations.**

SECT. 4, sentence added, 1987, 363 § 5; 394 § 4.

SECT. 4B stricken out and section 4C inserted, 1987, 465 § 50.

SECT. 4D added, 1987, 683 § 4.

SECT. 17A added, 1987, 621 § 5.

**Chapter 176H. — Legal Service Plans.****Chapter 177. — ASSESSMENT INSURANCE.**

**Chapter repealed, 1924, 406 § 17; 1929, 24 § 1.**

**Chapter 178. — Savings Bank Life Insurance.**

SECT. 34 revised, 1987, 178 § 4.

**Chapter 179. — Proprietors of Wharves, Real Estate lying in Common, and General Fields.****Chapter 180. — Corporations for Charitable and Certain Other Purposes.**

SECT. 6, second sentence stricken out and two sentences inserted, 1987, 283 § 1.

SECT. 10A amended, 1987, 509 § 1; 509 § 2.

SECT. 26A amended, 1987, 283 § 2.

**Chapter 180A. — Management of Institutional Funds.****Chapter 181. — Foreign Corporations.****Chapter 182. — Voluntary Associations and Certain Trusts.****Chapter 183. — Alienation of Land.**

SECT. 55, six paragraphs added, 1987, 533.

**Chapter 183A. — Condominiums.**

SECT. 5, paragraph (b), first sentence revised, 1987, 87.

SECT. 6, paragraph (c) amended, 1987, 338 § 1; 338 § 1A; paragraph (d) amended, 1987, 290.

SECT. 8, clause (i) revised, 1987, 325.

**Chapter 183B. — REAL ESTATE TIME-SHARES.**

**New chapter inserted, 1987, 760 § 1. (See 1987, 760 § 3.)**

**Chapter 184. — General Provisions relative to Real Property.**

SECT. 17C added, 1987, 687.

SECT. 17D added, 1987, 728.



**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 (k) revised, 1987, 421 § 1. paragraph (p) added, 1987, 421 § 2.

SECT. 6, sentence added, 1987, 144.

SECT. 14, first paragraph revised, 1987, 648 § 1. (See 1987, 648 § 21.)

SECT. 46, clause Second revised, 1987, 455.

SECT. 101 revised, 1987, 710.

**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, 1987, 755 § 2.

SECT. 3 amended, 1987, 245; first paragraph revised, 1987, 755 § 3.

SECT. 4, two paragraphs added, 1987, 755 § 4.

SECT. 8, first sentence revised, 1987, 755 § 5.

SECT. 9A, first paragraph revised, 1987, 648 § 2. (See 1987, 648 § 21.)

**Chapter 186. — Estates for Years and at Will.**

SECT. 11A added, 1987, 381.

**Chapter 187. — Easements.**

**Chapter 188. — Homesteads.**

SECT. 1A added, 1987, 194.

**Chapter 189. — Dower and Curtesy.**

**Chapter 190. — Descent and Distribution of Real and Personal Property.**

**Chapter 190A. — Effect of Apparently Simultaneous Deaths Upon Devolution and Disposition of Property, including Proceeds of Insurance.**

**Chapter 191. — Wills.**

SECT. 9, paragraph added, 1987, 319 § 1.

**Chapter 191A. — Disclaimer of Certain Property Interest Act.**

**Chapter 191B. — UNIFORM STATUTORY WILL ACT.**

**New chapter inserted, 1987, 319 § 2.**

SECT. 6 amended, 1987, 465 § 51; subparagraph (2), second sentence revised, 1987, 465 § 52.

SECT. 8, subsection (e), last sentence revised, 1987, 465 § 53.

SECT. 12, subsection (e) revised, 1987, 465 § 54.

SECT. 13, subsection (a), clause (16) revised, 1987, 465 § 55.

**Chapter 192. — Probate of Wills and Appointment of Executors.**

SECT. 1 revised, 1987, 99; amended, 1987, 557.

**Chapter 193. — Appointment of Administrators.****Chapter 194. — Public Administrators.****Chapter 195. — General Provisions relative to  
Executors and Administrators.**

SECT. 16 amended, 1987, 160 § 1.

SECT. 16A, first paragraph revised, 1987, 94; section amended, 1987, 160 § 2.

**Chapter 196. — Allowances to Widows and Children,  
and Advancements.****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.**

SECT. 9A inserted, 1987, 550.

**Chapter 201. — Guardians and Conservators.**

SECT. 1 amended, 1987, 320 § 1.

SECT. 6A amended, 1987, 465 § 56.

SECT. 16 amended, 1987, 320 § 2.

SECT. 21, sentence added, 1987, 88; section amended, 1987, 320 § 3.

**Chapter 201A. — Uniform Gifts to Minors Act.**

**Title revised to UNIFORM TRANSFER TO MINORS ACT, 1987, 465 § 57.**

SECT. 20, clause (2) revised, 1987, 465 § 58.

**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. 12 revised, 1987, 522 § 7.

**Chapter 203. — Trusts.**

SECT. 12 amended, 1987, 522 § 8.

SECT. 18 amended, 1987, 522 § 9.

SECT. 25, two paragraphs added, 1987, 629.

**Chapter 203A. — Uniform Common Trust Fund Act  
(former title, Collective Investment  
of Small Trust Funds).**

SECT. 3 revised, 1987, 502.

**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.**

**Chapter 207. — Marriage.**

SECT. 25 amended, 1987, 522 § 10.

**Chapter 208. — Divorce.**

SECT. 15 amended, 1987, 522 § 11.

**Chapter 209. — Husband and Wife.**

SECT. 18 revised, 1987, 522 § 12.

SECT. 21 revised, 1987, 522 § 13.

SECT. 24 revised, 1987, 522 § 14.

SECT. 35 repealed, 1987, 522 § 15.

SECT. 36 revised, 1987, 522 § 16.

**Chapter 209A. — Abuse Prevention.**

SECT. 6, first paragraph amended, 1987, 761.

SECT. 7, paragraph added, 1987, 213.

**Chapter 209B.—Massachusetts Child Custody Jurisdiction Act.**

SECT. 11, paragraph added, 1987, 52.

**Chapter 209C. — CHILDREN BORN OUT OF WEDLOCK.****Chapter 210. — Adoption of Children and Change of Names.****Chapter 211. — The Supreme Judicial Court.**

SECT. 3G added, 1987, 199 § 142. (See 1987, 199 § 156.)

SECT. 22, first sentence revised, 1987, 648 § 3; 1987, 648 § 4; (See 1987, 648 § 21.)

**Chapter 211A. — Appeals Court.**

SECT. 2, first sentence revised, 1987, 648 § 5; 1987, 648 § 6. (See 1987, 648 § 21.)

**Chapter 211B. — Trial Court of the Commonwealth.**

SECT. 2 amended, 1987, 755 § 6.

SECT. 4, first three paragraphs revised, 1987, 648 § 7; 1987, 648 § 8; sixth paragraph revised, 1987, 199 § 143. (See 1987, 648 § 21.); (See 1987, 199 § 156.)

**Chapter 211C. — Commission on Judicial Conduct.**

SECTS. 1-3 revised, 1987, 656 § 1. (See 1987, 656 § 4.)

SECTS. 5-11 added, 1987, 656 § 2. (See 1987, 656 § 4.)

**Chapter 211D.— Committee For Public Counsel Services.****Chapter 212. — The Superior Court.****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).****Chapter 215. — Probate Courts.**

SECT. 34B amended, 1987, 714 § 2.

**Chapter 216. — Courts of Insolvency.**

**Chapter 217. — Judges and Registers of Probate and Insolvency.**

SECT. 35A, first paragraph revised, 1987, 648 § 9. (See 1987, 648 § 21.)

SECT. 35B, first and second paragraphs stricken out and one paragraph inserted, 1987, 648 § 10. (See 1987, 648 § 21.)

**Chapter 218. — District Courts.**

SECT. 1, the fourth paragraph under caption Plymouth, sentence added, 1987, 574; under caption Hampshire, second paragraph revised, 1987, 615.

SECT. 6, fourth paragraph revised, 1987, 199 § 144. (See 1987, 199 § 156.)

SECT. 10, thirteenth and fourteenth paragraphs revised, 1987, 648 § 11; amended, 1987, 681.

SECT. 19 amended, 1987, 755 § 7. (See 1987, 648 § 21.)

SECT. 19D added, 1987, 755 § 8.

SECT. 26 revised, 1987, 266.

SECT. 40, second paragraph revised, 1987, 522 § 17.

SECT. 43A, sentence added, 1987, 119.

SECT. 43E added, 1987, 765.

SECT. 53, first paragraph, third sentence revised, 1987, 648 § 12. (See 1987, 648 § 21.)

SECT. 58, fourth paragraph revised, 1987, 648 § 13. (See 1987, 648 § 21.)

SECT. 79, paragraph (2), first paragraph revised, 1987, 648 § 14. (See 1987, 648 § 21.)

SECT. 80, first paragraph revised, 1987, 648 § 15. (See 1987, 648 § 21.)

**Chapter 219. — Trial Justices.****Chapter 220. — Courts and Naturalization.****Chapter 221. — Clerks, Attorneys and Other Officers of Judicial Court.**

SECT. 70 revised, 1987, 649 § 1. (See 1987, 649 § 4.)

SECT. 93, first two sentences revised, 1987, 647 § 1.

SECT. 94, caption "SUPERIOR COURT DEPARTMENT FOR CRIMINAL BUSINESS IN THE COUNTY OF SUFFOLK" stricken out, 1987, 648 § 16; fourth paragraph under caption of "SUPERIOR COURT DEPARTMENT FOR CRIMINAL BUSINESS IN THE COUNTY OF SUFFOLK" stricken out and one paragraph inserted, 1987, 648 § 17; under caption "SUPERIOR COURT DEPARTMENT FOR CIVIL BUSINESS IN THE COUNTY OF SUFFOLK", eight paragraphs stricken out, 1987, 648 § 19; under caption of "SUPREME JUDICIAL COURT FOR SUFFOLK COUNTY", four paragraphs stricken out and one paragraph inserted, 1987, 647 § 2. (See 1987, 648 § 21.)

**Chapter 221A.—THE MASSACHUSETTS LEGAL ASSISTANCE CORPORATION ACT.**

**Chapter 221B. —CHILD SUPPORT HEARING OFFICERS.**

SECT. 7 revised, 1987, 465 § 57.

SECT. 7A added, 1987, 465 § 59.

**Chapter 221C. — COURT INTERPRETERS FOR THE TRIAL COURT.****Chapter 222. — Justices of the Peace, Notaries Public  
and Commissioners.****Chapter 223. — Commencement of Actions, Service of Process.**

SECT. 86A amended, 1987, 755 § 9.

**Chapter 223A. — Jurisdiction of Courts and of the Commonwealth  
over Persons in Other States and Countries.**

SECT. 3, clause (h) added, 1987, 100.

**Chapter 224. — Arrest on Mesne Process and Supplementary  
Proceedings in Civil Actions.**

SECT. 6, first sentence amended, 1987, 755 § 10.

**Chapter 225. — PROCESS AFTER JUDGMENT FOR NECESSARIES  
OR LABOR****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. 60F, added by 1985 223 § 17, stricken out, 1987, 465 § 60.

SECT. 60G amended, 1987, 465 § 61.

SECT. 60J added, 1987, 465 § 60.

SECT. 85K, paragraph added, 1987, 238.

SECT. 85V added, 1987, 265.

SECT. 85W added, 1987, 345.

SECT. 91B added, 1987, 588.

SECT. 103 revised, 1987, 251 § 1.

SECT. 104, second paragraph revised, 1987, 251 § 2.

SECT. 111 amended, 1987, 755 § 11.

SECT. 113 amended, 1987, 755 § 12.

SECT. 118, first paragraph, first sentence revised, 1987, 208 § 1; second paragraph, first sentence revised, 1987, 208 § 2.

**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. 20B, paragraph (c), fifth paragraph amended, 1987, 398 § 2.

SECT. 20J, definition "Sexual assault counselor" revised, 1987, 477.

SECT. 24A added, 1987, 207.

SECT. 79G revised, 1987, 540.

**Chapter 234. — Juries.**

SECT. 1, first paragraph amended, 1987, 522 § 18.

**Chapter 234A. — Office Of Jury Commissioner For Commonwealth.**

**Chapter 235. — Judgment and Execution.**

SECT. 23 revised, 1987, 357 § 1.

**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. 3, four paragraphs inserted after first paragraph, 1987, 357 § 2.

SECT. 8A amended, 1987, 773 § 15.

SECT. 10, paragraph added, 1987, 357 § 3.

**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.**

**Chapter 247. — Replevin.**

**Chapter 248. — Habeas Corpus and Personal Liberty.**

**Chapter 249. — Audita Querela, Certiorari,  
Mandamus and Quo Warranto.**

**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.**

SECT. 5A amended, 1987, 185.

**Chapter 253. — Mills, Dams and Reservoirs.**

**Chapter 254. — Liens on Buildings and Land.**

SECT. 5, first sentence revised, 1987, 338 § 2; first sentence revised,  
1987, 760 § 2.

SECT. 5A added, 1987, 338 § 3.

**Chapter 255. — Mortgages, Conditional Sales and Pledges of  
Personal Property, and Liens thereon.**

SECT. 12H, paragraph added, 1987, 595 § 3.

**Chapter 255A. — Trust Receipts and Pledges without  
Possession in the Pledgee.**

**Chapter 255B. — Retail Instalment Sales of Motor Vehicles.**

**Chapter 255C. — Insurance Premium Finance Agencies.**

**Chapter 255D. — Retail Installment Sales and Services.**

**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.**

SECT. 3, sentence added, 1987, 343 § 1.



SECT. 4, second paragraph revised, 1987, 343 § 2.

**Chapter 258A. — Compensation of Victims of Violent Crimes.**

**Chapter 258B.—Rights of Victims and Witnesses of Crime.**

**Chapter 259. — Prevention of Frauds and Perjuries.**

**Chapter 260. — Limitation of Actions.**

SECT. 4, first paragraph revised, 1987, 418.

SECT. 7 revised, 1987, 198; amended, 1987, 522 § 19.

SECT. 31 amended, 1987, 564 § 54. (See 1987, 564 § 55.)

**Chapter 261. — Costs in Civil Actions.**

SECT. 8 amended, 1987, 755 § 13.

**Chapter 262. — Fees of Certain Officers.**

SECT. 50 amended, 1987, 522 § 20.

**Chapter 263. — Rights of Persons Accused of Crime.**

SECT. 4 amended, 1987, 755 § 14.

SECT. 8A revised, 1987, 755 § 15.

**Chapter 264. — Crimes against Governments.**

**Chapter 265. — Crimes against the Person.**

SECT. 24C, first paragraph amended, 1987, 177 § 1; paragraph added, 1987, 177 § 2.

**Chapter 266. — Crimes against Property.**

SECT. 29B added, 1987, 44 § 2.

SECT. 30, paragraph (1) amended, 1987, 468 § 1; paragraph (2) revised, 1987, 124 § 1; paragraph (4), last sentence revised, 1987, 75.

SECT. 37B amended, 1987, 468 § 2.

SECT. 37C amended, 1987, 468 § 3.

SECT. 47, first sentence stricken out, 1987, 124 § 2.

SECT. 60 amended, 1987, 468 § 4.

SECT. 94, revised, 1987, 416.

SECT. 123 amended, 1987, 522 § 21.

SECT. 127 amended, 1987, 468 § 5.

**Chapter 267. — Forgery and Crimes against the Currency.**

**Chapter 268. — Crimes against Public Justice.**

SECT. 31, paragraph added, 1987, 411.

**Chapter 268A. — Conduct of Public Officials and Employees**  
(former title, Code of Ethics).

SECT. 20, paragraph inserted after sixth paragraph, 1987, 374 § 2; amended, 1987 497.

**Chapter 268B. — Financial Disclosure by certain Public Officials and Employees.**

SECT. 3, clause (i) inserted, 1987, 9. (See 1987, 9 § 2.)

**Chapter 269. — Crimes Against Public Peace.**

SECT. 10 amended, 1987, 150 § 1; paragraph (j) revised, 1987, 150 § 2.

SECT. 12 amended, 1987, 123; amended, 1987, 465 § 62.

SECTS. 17-19 revised, 1987, 665.

**Chapter 270. — Crimes Against Public Health.**

SECT. 21 revised, 1987, 759 § 3.

SECT. 22 added, 1987, 759 § 3.

**Chapter 271. — Crimes against Public Policy.**

**Chapter 272. — Crimes against Chastity, Morality, Decency and Good Order.**

SECT. 5 repealed, 1987, 522 § 22.

SECT. 16 revised, 1987, 43.

SECT. 29A amended, 1987, 294 § 1; paragraph added, 1987, 294 § 2.

SECT. 33 amended, 1987, 522 § 23.

SECT. 43A revised, 1987, 219.

**Chapter 273. — Desertion, Non-support and Illegitimacy.**

**Chapter 273A. — Uniform Reciprocal Enforcement Of Support.**  
(former title, Enforcement of the Duty to  
Support Dependents).

**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. 37A, third sentence revised, 1987, 380.

SECT. 85A, last sentence revised, 1987, 465 § 63.

**Chapter 276A. — District Court Pretrial Diversion of Selected Offenders.**

**Chapter 277. — Indictments and Proceedings before Trial.**

SECT. 63 revised, 1987, 489.

**Chapter 278. — Trials and Proceedings before Judgment.**

**Chapter 279. — Judgment and Execution.**

SECT. 28, sentence inserted after first sentence, 1987, 556.

SECT. 42 revised, 1987, 399 § 4.

**Chapter 280. — Fines and Forfeitures.**

**Chapter 281. — The General Laws And Their Effect.**